

JAMES THEODORE BECK  
UNITED STATES vs STATE OF GEORGIA

January 27, 2023

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
STATE OF GEORGIA,  
Defendants.  
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) CIVIL ACTION  
) NO. 1:16-cv-03088-ELR  
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)  
)  
)  
)

VIDEOTAPE DEPOSITION OF  
JAMES THEODORE BECK

Friday, January 27, 2023, 9:01 a.m., EST

HELD AT:

Robbins Alloy Belinfante Littlefield LLC  
500 14th Street, N.W.  
Atlanta, Georgia 30318

-----  
WANDA L. ROBINSON, CRR, CCR, No. B-1973  
Certified Shorthand Reporter/Notary Public

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4 LAURA CASSIDY TAYLOE, ESQUIRE

5 ALISON EWERS, ESQUIRE

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20 ALSO PRESENT:

21 PAGE BRANTLEY, Videographer  
22  
23  
24  
25

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1 THE VIDEOGRAPHER: This is the video  
2 deposition of James Theodore Beck, taken in the  
3 matter of the United States of America versus  
4 State of Georgia.

5 Today's date is January 27th, 2023. The  
6 time on the record is 9:01 a.m.

7 My name is Page Brantley, and I'm the  
8 videographer. The court reporter is Wanda  
9 Robinson.

10 Counsel, please introduce yourselves,  
11 after which the court reporter will swear in  
12 the witness.

13 MS. GARDNER: Kelly Gardner for the United  
14 States.

15 MR. PICO PRATS: Javier Pico Prats for the  
16 State of Georgia.

17 - - - - -

18 JAMES THEODORE BECK,  
19 being duly sworn, was examined and testified as  
20 follows:

21 - - - - -

22 EXAMINATION

23 BY MS. GARDNER:

24 Q Good morning, Mr. Beck. My name is Kelly  
25 Gardner. I represent the United States and I'm

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1 going to be taking your deposition today.

2 A Okay.

3 Q Would you please state your full name for  
4 the record.

5 A James Theodore Beck.

6 Q And do you typically go by Ted Beck?

7 A I do.

8 Q Mr. Beck, have you ever been deposed  
9 before?

10 A I have not.

11 Q And am I correct that you are being  
12 represented by Javier Pico Prats today for purposes  
13 of your deposition?

14 A That's correct.

15 Q I'm sure that your attorney has explained  
16 much of this to you but today you and I are going to  
17 have a conversation. I'm going to ask the questions  
18 and your only job is to answer them honestly and  
19 completely.

20 Do you understand that?

21 A I do.

22 Q The court reporter has sworn you in. That  
23 means that everything you say here today is under  
24 oath and must be truthful.

25 Do you understand that?

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1 A I do.

2 Q The court reporter is going to write down  
3 what you and I say in order to create a transcript  
4 of our conversation. She can't record a nod or a  
5 shake of your head. So in order to make her job  
6 easier, I'm going to ask you to speak clearly and  
7 that you give oral answers.

8 Can we agree on that?

9 A Yes.

10 Q The other thing that you and I will need  
11 to do is avoid talking over one another. I'm going  
12 to do my best not to interrupt you when you're  
13 answering, and I will ask that you do your best to  
14 let me finish my question before starting to answer.  
15 Okay?

16 A Understood.

17 Q If at any point you don't understand a  
18 question, you should feel free to stop me and say  
19 so, and I will then try to clarify. Okay?

20 A Understood.

21 Q If you need a break at any time, just let  
22 me or your attorney know, and if you are in the  
23 middle of answering a question, I'll ask that you  
24 finish it, and then we're happy to arrange for a  
25 break. Okay?

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1 A Okay.

2 Q Sometimes it may happen that you will give  
3 an answer as completely as you can, and then later  
4 on, maybe five minutes, maybe an hour, you may  
5 remember some additional information in response to  
6 an earlier question. If that happens, just let me  
7 know and we'll give you an opportunity to supplement  
8 the record. Okay?

9 A Okay.

10 Q Is there any reason you can think of why  
11 you will not be able to answer my questions  
12 completely and truthfully today?

13 A I cannot think of one.

14 Q Do you have any questions before we  
15 proceed?

16 A I do not.

17 Q Did you do anything to prepare for today's  
18 deposition?

19 A No.

20 Q Did you meet with counsel?

21 A Yes.

22 Q When was that?

23 A Monday afternoon.

24 Q And for how long?

25 A About 45 minutes maybe.

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1 Q Did you meet with anyone other than  
2 counsel?

3 A No.

4 Q And who was present at the meeting with  
5 counsel?

6 A Just myself and counsel.

7 Q And counsel being Mr. Pico Prats?

8 A Correct.

9 Q Did you review any documents in  
10 preparation for today's deposition?

11 A I did not.

12 Q Have you reviewed any other deposition  
13 transcripts in this matter?

14 A No.

15 MS. GARDNER: I'm going to hand the court  
16 reporter what I would like to have marked as  
17 Plaintiff's Exhibit 877.

18 (WHEREUPON, Plaintiff's Exhibit-877 was  
19 marked for identification.)

20 BY MS. GARDNER:

21 Q This is a subpoena to testify at a  
22 deposition in a civil action, and the subpoena is  
23 directed to Ted Beck.

24 That's you, correct?

25 A That's correct.

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1 Q Have you seen this document before?

2 A I have.

3 Q The top of this document has the case name  
4 United States versus Georgia, correct?

5 A Correct.

6 Q Do you understand that this deposition is  
7 being taken in connection with litigation against  
8 the State of Georgia?

9 A I do.

10 Q And do you understand that the litigation  
11 relates to the Georgia Network for Educational and  
12 Therapeutic Support program?

13 A I do.

14 Q Are you aware that that program is more  
15 commonly referred to as the GNETS program?

16 A Yes.

17 Q So if I use the term "GNETS," you will  
18 understand that to mean the Georgia Network for  
19 Educational and Therapeutic Support program?

20 A I will.

21 Q When did you first learn of this  
22 litigation?

23 A Approximately three weeks ago.

24 Q So you were not familiar with the  
25 litigation prior to that time?

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1 A No, ma'am.

2 Q Do you have any understanding of the  
3 nature of the lawsuit?

4 A Somewhat from conversation with counsel.

5 Q And what is your understanding of the  
6 nature of the lawsuit?

7 A My understanding is that the United States  
8 has an interest in understanding the makeup of the  
9 program and whether or not it poses an issue to the  
10 participants in it.

11 Q Were you acquainted with the GNETS program  
12 separate and apart from this litigation prior to  
13 three weeks ago?

14 A Yes, in my know role as chief financial  
15 officer in the Department of Education.

16 Q Okay. And when would you say you first  
17 became acquainted with the GNETS program?

18 A At the onset of my tenure with DOE.

19 Q When was that?

20 A It started in October of 2015.

21 Q Okay. What is the GNETS program?

22 A My understanding is it's a consortium of  
23 independent sites that multiple boards of education  
24 use as a place to provide educational services to  
25 students who are in one of their systems but were

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1 not able to successfully attend for some reason or  
2 not, generally related to some sort of emotional  
3 trauma or psychiatric issue.

4 Q Do you have any understanding of how the  
5 GNETS program is structured statewide?

6 A From what I recall, it's somewhere between  
7 15 to 20 sites. Each site is subscribed, isn't the  
8 right word to, but multiple boards of education in  
9 that geographic region participate and use that same  
10 facility, and that's the -- essentially  
11 independently run by those organizations.

12 Q What do you understand to be the goal of  
13 the GNETS program?

14 A My understanding was that it was an  
15 alternative means of providing educational services  
16 to students who were not going to be successful  
17 inside of their original district due to some sort  
18 of behavioral issue, trauma, or other needs that  
19 couldn't be served by their original schools.

20 Q Do you understand that the GNETS program  
21 involves providing therapeutic services and supports  
22 to students in those facilities?

23 A That's my understanding.

24 Q Is the goal for students to remain in  
25 GNETS long-term?



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1 A I'm not sure.

2 Q I'm going to be using some acronyms today  
3 for brevity. So I would like to go through a few of  
4 them now to make sure you and I are on the same  
5 page.

6 If I use the term "Georgia DOE," or  
7 "GaDOE," will you understand that to mean the  
8 Georgia Department of Education?

9 A I will.

10 Q And if I use the term "LEA," will you  
11 understand that to mean Local Education Agency?

12 A Yes.

13 Q If I use the term "RESA," will you  
14 understand that to mean Regional Educational Service  
15 Agency?

16 A I will.

17 Q Are you familiar with the acronym "GOSA,"  
18 G-O-S-A?

19 A Yes. The Governor's Office of Student  
20 Achievement.

21 Q And what is The Governor's Office of  
22 Student Achievement?

23 A It's an agency attached to the Governor's  
24 Office, focuses on, and at least from what I recall,  
25 a lot of data management, tracking students across

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1 their educational tenure with the public education  
2 system in Georgia.

3 Q Okay. Mr. Beck, do you hold any  
4 educational degrees?

5 A I do.

6 Q And what degrees do you hold?

7 A I have a Master's of public  
8 administration, a Bachelor's of Arts in journalism,  
9 a Bachelor's of Science in mathematics.

10 Q Where did you obtain your Master's of  
11 public administration?

12 A Georgia State University.

13 Q And what year was that?

14 A 2005.

15 Q You said you also hold a Bachelor's of Art  
16 and a Bachelor's of Science, correct?

17 A Uh-huh. (Affirmative.)

18 Q And where did you obtain those degrees?

19 A Bachelor of Arts was from the University  
20 of Georgia, graduated in 2002. And Bachelor of  
21 Science is from Indiana University East, and that  
22 was completed in 2021.

23 Q Do you hold any other professional  
24 licenses apart from your educational degrees?

25 A I do.

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1 Q What are those licenses?

2 A I'm a certified internal auditor. That's  
3 with the institute of internal auditors.

4 Q Any other professional licenses?

5 A Certified risk management associate. Also  
6 with the same organization.

7 Q Anything else?

8 A No.

9 Q The license that provides your  
10 certification as an internal auditor, can you just  
11 describe generally the purpose of that  
12 certification?

13 A Sure. Allows me to attest to the audit  
14 work I do being conducted in conformance with  
15 international set of standards.

16 Q And when did you obtain your certified  
17 internal auditor license?

18 A I think that would have been 2014.

19 Q Is that something that has to be renewed  
20 periodically?

21 A It is.

22 Q And how often does it have to be renewed?

23 A Annually.

24 Q Are you currently current on the  
25 certification?

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1 A I am.

2 Q You said that you're also a certified risk  
3 management associate, correct?

4 A Correct.

5 Q And would you tell me what that means?

6 A It's an additional credential that  
7 required some study in risk management specifically  
8 as it applies to the audit area. Also was renewed  
9 in the same manner as the C.I.A. designation.

10 Q And when did you become a certified risk  
11 management associate?

12 A It would have been 2021.

13 Q Does that have to be renewed periodically?

14 A It does.

15 Q How often?

16 A Annually.

17 Q And that's current as well?

18 A It is.

19 Q Do you have any special credentials  
20 professionally that you have not told me about?

21 A I don't.

22 Q Am I correct that you currently serve as  
23 the executive director of internal audit for the  
24 University System of Georgia?

25 A That's correct.

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1 Q How long have you held that position?

2 A About 18 months.

3 Q And what are your primary responsibilities  
4 as executive director of internal audit?

5 A We implement an audit plan that  
6 incorporates projects that have been identified  
7 across the university system and at individual  
8 university system institutions. The projects are  
9 largely designed to test whether or not that  
10 specific area is operating in accordance with some  
11 set of criteria, regulations, laws or other  
12 policies.

13 Q Who do you report to as executive director  
14 of internal audit?

15 A Jenna Wiese. That's J-E-N-N-A, W-I-E-S-E.  
16 Her title is chief audit officer.

17 Q And do you have direct reports in your  
18 capacity as executive director of internal audit?

19 A I do.

20 Q How many direct reports?

21 A Four.

22 Q Are all of those -- do all of those  
23 individuals hold the same position, or are they a  
24 variety of positions?

25 A Generally the same position, just

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1 different levels of experience as auditors.

2 Q So you have direct reports who are all  
3 auditors?

4 A Correct.

5 Q Where were you employed immediately prior  
6 to serving as executive director of internal audit  
7 for the University System of Georgia?

8 A I was also at the University System of  
9 Georgia as a budget manager.

10 Q How long did you serve as budget manager?

11 A A little over a year.

12 Q And how did your responsibilities as  
13 budget manager differ from your current  
14 responsibilities?

15 A I was focused on developing and  
16 implementing the annual budget for a portion of the  
17 central office for the University System.

18 Q And who was your direct report in that  
19 position?

20 A Jason Matt, M-A-T-T.

21 Q I'm sorry, just to clarify, because my  
22 question may not have been sufficiently precise, is  
23 Jason Matt the person to whom you reported or  
24 someone who reported to you?

25 A He was to whom I reported.

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1 Q Okay. Did you have anyone reporting to  
2 you in your capacity as budget manager?

3 A I did not.

4 Q Okay. And prior to serving as budget  
5 manager for the University System of Georgia, did  
6 you hold any other professional roles?

7 A I was the chief financial officer at the  
8 Georgia Department of Education.

9 Q And how long did you serve as chief  
10 financial officer of the Georgia Department of  
11 Education?

12 A About four and a half years.

13 Q And I believe you said earlier you became  
14 CFO in 2015; is that correct?

15 A Correct.

16 Q And so I take it then you left somewhere  
17 around the 2019, 2020 time mark?

18 A I left DOE and went to the University  
19 System in 2021.

20 Q 2021?

21 A So -- 2020.

22 Q 2020, okay.

23 Who did you report to when you were  
24 serving as chief financial officer for GaDOE?

25 A Both Superintendent Richard Woods and

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1 chief of staff Matt Jones. And to the Board as  
2 well.

3 Q Were there particular areas for which you  
4 would report to different individuals, or generally  
5 those were the three individuals you reported to on  
6 all matters you were responsible for?

7 A I'm not sure I understand the question.

8 Q So I'm trying to understand, because  
9 you've identified sort of three individuals or  
10 entities to whom you directly report, so I'm trying  
11 to understand, was there some sort of division in  
12 terms of subject matter as to which things you would  
13 report to which person on?

14 A Not necessarily. For subject matter, just  
15 probably level of specificity. Most day-to-day  
16 reporting would have been to the chief of staff, and  
17 then intermittent updates to the superintendent, and  
18 then on less frequent occasions to board members if  
19 they had specific questions.

20 Q Did anyone report to you while you were  
21 serving as CFO at GaDOE?

22 A Yes.

23 Q How many people?

24 A Roughly eight.

25 Q And, in general, can you give me a sense



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1 of the kinds of positions those individuals held?

2 A Sure. We had an accounting and finance  
3 team, a budget team, a facility team,  
4 transportation, procurement, human resources, a  
5 section that did local school finance, nutrition  
6 services.

7 Q Prior to becoming chief financial officer  
8 at GaDOE, did you hold any other position at GaDOE?

9 A No.

10 Q Did you hold any other position outside of  
11 GaDOE prior to becoming CFO?

12 A Yes. I worked -- I was actually at The  
13 Governor's Office of Planning and Budget for about a  
14 year before that.

15 Prior to that, I have worked at the  
16 University System in the Internal Audit Department  
17 for about three years. Prior to that, I was with  
18 The Governor's Office of Planning and Budget from  
19 basically 2005 to 2011.

20 Q Was The Governor's Office of Planning and  
21 Budget sometimes referred to as OPB?

22 A Yes, it is.

23 Q So it sounds like you had two stints at  
24 OPB, correct, one from --

25 A Correct.

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1 Q Sorry.

2 One from 2005 to 2011, and then you  
3 identified a second stint of about a year there?

4 A Yeah, 2014 to 2015, roughly.

5 Q When you were at OPB from 2014 to 2015,  
6 what was your title?

7 A I was the division director for the  
8 Education Division.

9 Q And what was your title when you were at  
10 OPB from 2005 to 2011?

11 A Started as a policy analyst and served  
12 also as a policy coordinator, worked in kind of a  
13 quasi communications role. I don't remember what  
14 title I had at that point.

15 Q As division director for the Education  
16 Division within OPB, what were your  
17 responsibilities?

18 A Helping develop the budgets for the  
19 education agencies with the State of Georgia, in  
20 concert with the agencies themselves; presenting  
21 those requests and recommendations to the Governor  
22 for his consideration in formulating his budget  
23 recommendations to the legislature; and then  
24 implementing the enacted budget.

25 Q When you say helping develop the budgets

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1 for the education agencies with the State of  
2 Georgia, what education agencies specifically are  
3 you referring to?

4 A Georgia DOE, the University System of  
5 Georgia, the Technical College System of Georgia,  
6 Georgia Student Finance Commission, Georgia  
7 Department of Early Care and Learning.

8 Those are the ones I can remember off the  
9 top of my head.

10 Q Okay. It sounds like in helping to  
11 develop the budgets for those education agencies  
12 that you had some level of coordination with the  
13 agencies themselves?

14 A Correct.

15 Q Who within the Georgia Department of  
16 Education did you coordinate in that respect?

17 A Mostly with their CFO at the time.

18 Q And who was that?

19 A His first name was Scott, and I don't  
20 recall his last name.

21 Q Okay. And in what ways would you  
22 coordinate with the CFO of GaDOE at the time?

23 A Most of our interaction with both GaDOE  
24 and the other state agencies was through a typical  
25 channel of interaction where they would be

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1 requesting at regular intervals things in their  
2 budget for our consideration and analysis, and would  
3 be a back-and-forth for us to help understand what  
4 their needs were or other matters that should be  
5 incorporated in our review of their budget requests  
6 and would be later turned into our recommendations  
7 to the Governor's Office.

8 Q Okay. So the Georgia Department of  
9 Education would periodically submit budget requests,  
10 it sounds like your office would then send back  
11 questions asking for additional information to help  
12 understand those requests; is that correct?

13 A That's correct.

14 Q And then once that sort of back-and-forth  
15 question-and-answer process was done, then OPB would  
16 finalize some sort of a recommendation for the  
17 Georgia Department of Education's budget, that would  
18 then go to the Governor?

19 A Yes.

20 Q And what would happen after the  
21 recommendation was formulated and sent to the  
22 Governor?

23 A We would present our recommendations, and  
24 the Governor and his staff would consider those in  
25 concert with the OPB director, the CFO of the State,

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1 and those would eventually become his formal  
2 recommendations to the legislature as part of the  
3 annual appropriations cycle.

4 Q Okay. Is there any sort of name for the  
5 Governor's formal recommendations to the legislature  
6 as part of the appropriation cycle?

7 A I think it's just called the Governor's  
8 budget recommendations. I don't know it has a  
9 official title.

10 Q Is that the same -- I was asking, is that  
11 the same as the Governor's budget report?

12 A I believe it would be.

13 Q So the Governor's budget report is the  
14 Governor's recommendation to the legislature for  
15 what should be in the annual appropriations bill?

16 A Yes, ma'am.

17 Q Any other professional positions that we  
18 have not discussed yet?

19 A I worked for a small newspaper between  
20 2000 and 2002.

21 Q Going back to your time as chief financial  
22 officer at GaDOE, who at GaDOE did you work with on  
23 a regular basis in discharging your  
24 responsibilities?

25 A Generally the directors of those

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1 Departments that I listed earlier.

2 Q Okay, the directors of the eight  
3 departments?

4 A Yes.

5 Q Anyone else?

6 A I interacted with other leadership members  
7 across the department on occasions, generally as it  
8 related to matters concerning either finances or  
9 budgets.

10 Q Did you have any standing meetings with  
11 those leadership members?

12 A No. It was more ad hoc.

13 Q And what about your interaction with the  
14 chief of staff, what did that look like?

15 A Generally more ad hoc. He would either  
16 come to me with questions or I'd come to him with  
17 periodic updates, but we didn't have a standing time  
18 to meet.

19 Q Okay. During your time as chief financial  
20 officer at GaDOE, did you work on a regular basis  
21 with anyone in the Governor's Office to discharge  
22 your responsibilities as CFO?

23 A Apart from that relationship that I  
24 described in the budget development process, where  
25 we're communicating information back and forth to

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1 the Education Division, that would be about it.

2 Q Okay.

3 A So OPB, but not the Governor's Office  
4 specifically.

5 Q So when you were serving as chief  
6 financial officer, you would have the same  
7 back-and-forth relationship with OPB that you were  
8 on the other side when you actually worked at OPB  
9 years earlier?

10 A Correct.

11 Q Did you work on a regular basis with  
12 anyone in the Georgia General Assembly in  
13 discharging your responsibilities at chief financial  
14 officer at GaDOE?

15 A We would work with the budget offices for  
16 both the House chamber and the Senate chamber, but  
17 not members of the chambers themselves.

18 Q Okay. And in what way did you work with  
19 the budget offices for the House and Senate chamber?

20 A Similar to what we did with OPB,  
21 facilitating the flow of information, asked --  
22 answering questions they had about the Governor's  
23 recommendations or other aspects of our budget or  
24 finances.

25 Q And in that process was contact typically

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1 initiated by the budget offices at the House and the  
2 Senate?

3 A Yes.

4 Q And then GaDOE would respond to those  
5 inquiries?

6 A Correct.

7 Q In terms of those inquiries, is there any  
8 particular time of the year when those tend to come?  
9 Do they come on any particular cycle, or do you  
10 receive inquiries throughout the entire year?

11 A Most of it was concentrated during the  
12 legislative session, which typically ran from  
13 January to March or April.

14 Q During your time as chief financial  
15 officer at GaDOE, did you ever work on any matters  
16 related to the GNETS program?

17 A Not outside of the typical budget  
18 administration or finance administration process  
19 that I can recall.

20 Q So you may have worked on issues that  
21 related to GNETS, but they would have been in the  
22 context of some sort of budgeting or finance matters  
23 for that program?

24 A Right. Just the typical allocation of  
25 funds for those programs that I would describe as



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1 kind of formula driven from our perspective.

2 Q When you say they're formula driven, what  
3 do you mean by formula driven?

4 A Programs in which the funding allocated to  
5 them were based on either some sort of statutory or  
6 other regulatory framework that prescribed certain  
7 metrics, such as student counts or population as the  
8 primary driver by which they received state funding.

9 Q Is there a statute that dictates the  
10 formula for funding the GNETS program?

11 A I don't recall.

12 Q Who generated the formula by which the  
13 GNETS program was funded?

14 A I don't know.

15 Q Is that something that came out of the  
16 Georgia Department of Education, or would -- are  
17 there instructions for the formula that the  
18 Department received elsewhere?

19 A We relied on, from my understanding, a  
20 spreadsheet and several other similar artifacts that  
21 were established through precedent, as far as I can  
22 tell, to receive information from a group that did  
23 what we called data collections. They were  
24 collecting student counts and other metrics that fed  
25 into both the GNETS program and more primarily the

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1 QBE, Quality Basic Education, program, that funds  
2 the larger component of the K-12 system. And  
3 administering it by inputting these data and running  
4 the formula, engaging in the spreadsheet to see what  
5 the typical allocation would be or what the  
6 calculated allocation would be for that program.

7 Q During your time at GaDOE did you ever  
8 become aware of concerns relating to the manner in  
9 which the GNETS program was funded?

10 A I was.

11 Q And when you say you were aware of those  
12 concerns, how did you become aware of those  
13 concerns?

14 A I had received just general information  
15 from stakeholders, usually through sitting in these  
16 legislative hearings, where we were presenting the  
17 Governor's recommendations, that there would  
18 sometimes be individuals from community  
19 organizations or other activities or stakeholder  
20 groups that would talk about that program and  
21 similar programs and refer to them as being funded  
22 differently than the experience for other students.

23 Q And what specific concerns were brought to  
24 your attention with respect to the manner of GNETS  
25 program funding?

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1           A       I don't know that any were brought  
2 specifically to me. This would have just been  
3 information I heard in their presentations to these  
4 individuals.

5           Q       And what kinds of concerns did you hear  
6 from the presentations?

7           A       Concerns regarding the manner of funding  
8 for the program, differentiating from the manner in  
9 which the larger education program for the state was  
10 conducted.

11          Q       Were those concerns driven by some sort of  
12 concern for the outcome that resulted from that sort  
13 of differential manner of funding?

14                   MR. PICO PRATS: Objection to form.

15                   You can answer.

16                   Sorry. You can still answer.

17          A       I'm not sure.

18          Q       So your understanding was that there was a  
19 concern that the GNETS program was funded in a  
20 different manner, but you don't know whether there  
21 was a larger concern that that manner of funding  
22 produced either like insufficient funds or too many  
23 funds?

24          A       I'm not sure I understand.

25          Q       I'm just trying to understand, you seem to

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1 be clear there was a concern the GNETS program was  
2 funded in a different manner, and I'm asking whether  
3 in hearing the concerns that were raised you ever  
4 understood those concerns to substantively relate to  
5 the adequacy of funding for GNETS in any way?

6 A My recollection of those concerns was  
7 related to the amount of funding, but I don't have  
8 any other information about how those individuals  
9 tied that to outcomes or not.

10 Q While at GaDOE, did you ever participate  
11 in any conversations in which there was discussion  
12 of potential changes to the manner in which GNETS is  
13 funded?

14 A Not that I recall.

15 Q We started to get into this a bit before  
16 as you were talking about your time at OPB, but I  
17 want to take a step back and just make sure I  
18 understand the statewide budget process at a high  
19 level.

20 Correct that each year there's a state  
21 appropriations bill passed that funds state  
22 agencies, like the Georgia Department of Education?

23 A That's correct.

24 Q Would you describe that process from the  
25 initial development of the bill to its passage?

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1           A       Sure. The process begins typically  
2       towards the late summer, where the Governor's Office  
3       issues budget instructions to state agencies and  
4       provides them the parameters in which they can  
5       request -- or depending on what his anticipated  
6       economic forecast is -- new funding or a  
7       reallocation of existing funding, or in some cases  
8       plans for reductions of funding.

9                 Agencies are tasked with putting a budget  
10       that complies with those parameters together and  
11       submitting that back to the Office of Planning and  
12       Budget, typically towards the end of, I'd say,  
13       August.

14                OPB then spends several months analyzing  
15       those requests, working with agencies, as we  
16       discussed earlier, and formulating recommendations  
17       to present to the Governor and leadership.

18                Those are taken under consideration, and  
19       decisions are made as to how the budget will be  
20       formulated, and that comes in the form of that  
21       budget report, the Governor's budget report that you  
22       referred to.

23                That is then formally presented at the  
24       legislature at the start of the legislative session  
25       in January, where it is considered by both the House

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1 and the Senate, who both have the opportunity to  
2 adjust and make changes to those suggestions or  
3 recommendations.

4 They interact with one another as a  
5 deliberative body and arrive at a agreed-upon  
6 budget, which is then formalized in the form of an  
7 appropriations act for both the upcoming fiscal year  
8 and any changes to the current fiscal year in which  
9 the session is engaged.

10 Q Just a couple of clarifying questions.

11 You said that once the Governor's budget  
12 report is formally presented to the legislature at  
13 the start of a legislative session, it's then  
14 considered by both the House and the Senate,  
15 correct?

16 A Correct.

17 Q Is there any particular order in which the  
18 House and the Senate consider it?

19 A The House receives it first, and they are  
20 tasked with receiving that information, making any  
21 changes to it they want, and then they adopt and  
22 pass their version of an appropriations act, which  
23 is then transmitted to the Senate, who then takes  
24 it's up with the same consideration, proposes in  
25 general their own version of it, at which point both

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1 chambers establish what's called a Conference  
2 Committee, where they negotiate changes in tandem to  
3 a proposed bill, which once agreed upon goes back to  
4 both chambers and is voted on as the final  
5 appropriations act.

6 Q Okay. And once the bill is voted on by  
7 both chambers as the final appropriations act, is it  
8 -- does it take effect at that point, or is it sent  
9 back to the Governor?

10 A It's sent to the Governor for signature.  
11 He has the ability to line item veto. I think it's  
12 specific programs within the appropriations act, and  
13 otherwise has the ability to sign it and officially  
14 approve himself, or to adopt it by not signing it  
15 but leaving it untouched for a period of, I think,  
16 40 days.

17 Those are the two options of which he can  
18 allow it to become law.

19 Q Okay. You also mentioned in describing  
20 the process that the appropriations act is both for  
21 the upcoming fiscal year and may also include  
22 changes for the current fiscal year; is that  
23 correct?

24 A That's correct.

25 Q When there are changes for the current

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1 fiscal year, is that referred to as the amended  
2 fiscal year?

3 A Yes.

4 Q What is the process by which GaDOE puts  
5 its budget together in accordance with the budget  
6 instructions that you mentioned are delivered to  
7 state agencies early in the process?

8 A A large portion of the budget is again  
9 driven by formula allocations. So the instructions  
10 typically would provide an allowance to say  
11 calculate whatever is being produced in these  
12 formulas and provide that information as part of  
13 your request.

14 If the directive was to otherwise keep all  
15 the other programmatic funding the same amount,  
16 which was a typical situation in the period of time  
17 that I was there, it would be a matter of submitting  
18 a budget that didn't increase or decrease those  
19 programmatic allocations for those non-formula  
20 driven programs.

21 We would work with leadership inside the  
22 department and other stakeholders to understand any  
23 programmatic needs or things that they thought  
24 needed to be addressed through the appropriations  
25 process and try to incorporate that under the



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1     auspices of both the chief of staff and the  
2     superintendent's and the board's interests.

3           Q     What role does the State Board of  
4     Education play in the development of GaDOE's  
5     proposed budget?

6           A     Not a very direct role. We would inform  
7     them as to what we believe the request should look  
8     like, and they would officially approve it as a  
9     board item, but, in general, I would say it was more  
10    informational in nature, us providing them with  
11    information and them asking questions, but more  
12    often than not, not providing direction or specific  
13    instruction as to what they would want to see in  
14    that request.

15          Q     But it sounds like once GaDOE had a budget  
16    request, that that request would be put in front of  
17    the State Board as a board item and the State Board  
18    would approve it before it was submitted to OPB?

19          A     That's correct.

20                MS. GARDNER: I'm going to show you an  
21    electronic exhibit, but I would like the court  
22    reporter to mark as Plaintiff's Exhibit 878.

23                (WHEREUPON, Plaintiff's Exhibit-878 was  
24    marked for identification.)  
25

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1 BY MS. GARDNER:

2 Q Mr. Beck, can you see this document?

3 A Yes.

4 Q Is this an example of the Governor's  
5 budget report that we've been discussing?

6 A It is.

7 Q And this particular one is the Governor's  
8 Budget Report for Amended Fiscal Year 2021 and  
9 Fiscal Year 2022?

10 A It appears to be.

11 Q So just so I'm understanding the  
12 terminology correctly, this budget report would be  
13 the Governor's proposal for appropriations for  
14 Fiscal Year 2022, and then would include changes to  
15 the current fiscal year, which would be 2021, at the  
16 time this was submitted?

17 A Correct.

18 Q I'd like to just direct your attention  
19 here, scrolling down through the document, this is  
20 Page 162 of the Governor's Budget Report. Correct?

21 Do you see the page number?

22 A I don't see the page --

23 Q Down here.

24 A Yes.

25 Q And am I correct this is the beginning of

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1 the portion of the budget report that deals with the  
2 Department of Education?

3 A It appears to be.

4 Q In the Governor's budget reports are there  
5 typically sort of a description of the roles and  
6 responsibilities of each state agency at the  
7 beginning of the section that deals with that  
8 particular agency?

9 A That's my understanding.

10 Q And so this section has the roles and  
11 responsibilities of the Georgia Department of  
12 Education outlined, correct?

13 A Yes.

14 Q Moving on to -- this is Page 170. This  
15 particular section deals with RESAs; is that right?

16 A Yes.

17 Q And so I just want to sort of understand  
18 how the report is laid out.

19 There is a section here that says  
20 "Recommended Change." Does the use of the term  
21 "Recommended Change" refer to a change in an amended  
22 fiscal year or is this a recommended change for the  
23 coming fiscal year?

24 A You should be able to tell at the  
25 beginning of these sections which fiscal year it's

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1 referring to. So I think you'll find two in  
2 sequence, the first one being programmatic changes  
3 specific to the amended fiscal year, and then a  
4 subsequent section that has programmatic changes  
5 specific to the upcoming fiscal year.

6 Q Okay.

7 A So if you go back to -- wherever the  
8 alphabetized portion starts, it should have a  
9 heading that indicates which section is which.

10 Right there. I'm sorry. Scroll down.

11 So this would indicate that's FY22 and the  
12 section preceding that would be specific to the  
13 amended fiscal year '21 for this report.

14 Q Okay. Understood.

15 And on page -- this is Page 168 here,  
16 correct?

17 A Yes.

18 Q And on this page this contains a section  
19 addressing the Georgia Network for Educational and  
20 Therapeutic Support?

21 A Correct.

22 Q And this outlines the recommended change  
23 for fiscal year 2022 then; is that right?

24 A I believe so. You'd have to go back up to  
25 the beginning of the section to verify that.

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1                   Yeah, '22. Yes.

2           Q       Okay, great.

3                   Does GaDOE have any process for tracking  
4 changes in the various versions of the  
5 appropriations bill as it moves from the House to  
6 the Senate and then into Conference Committee?

7           A       I don't think it would be a formalized  
8 system but we did track those changes through  
9 documentation on our side, spreadsheets, other  
10 artifacts such as that.

11           Q       And were there particular people in charge  
12 of managing that tracking?

13           A       Yes. We had a budget team, originally  
14 held by an individual named Brian, and I don't  
15 recall Brian's last name, and then later directed by  
16 Jon Cooper.

17           Q       Is Brian's last name Hampton?

18           A       That's correct.

19           Q       So typically the head of the budget team  
20 would manage the tracking of changes in the various  
21 versions of the appropriations bill?

22           A       Yes.

23           Q       So in each final state appropriations bill  
24 I take it there's some amount of money that would be  
25 allocated to the Georgia Department of Education,

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1 correct?

2 A Correct.

3 Q And that bill would contain specific  
4 allocations made to either particular departments or  
5 programs within GaDOE?

6 A Yes.

7 MS. GARDNER: I would like to show one  
8 more electronic exhibit, that I would ask the  
9 court reporter to mark as Plaintiff's Exhibit  
10 879.

11 (WHEREUPON, Plaintiff's Exhibit-879 was  
12 marked for identification.)

13 BY MS. GARDNER:

14 Q Mr. Beck, can you see that document?

15 A I can.

16 Q Am I correct that this is the -- the title  
17 of this document is "Conference Committee Substitute  
18 to H.B. 81, A Bill To Be Entitled An Act"?

19 A It appears so.

20 Q What is this document?

21 A This is what I would refer to as a  
22 tracking document produced by one of the chambers in  
23 the legislature, their budget office, that itemizes  
24 the original recommendations made by the Governor,  
25 the changes to that provided by the House and then

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1 the Senate, and then finally the Conference  
2 Committee between the House and the Senate.

3 It generally becomes, and I don't know the  
4 exact process, the physical documentation for the  
5 appropriations act at some point.

6 Q We're not going to go through this entire  
7 document, but I did want to ask, what is the  
8 difference between -- do you see this section here  
9 where it says "Continuation Budget" and then in some  
10 places it says "Appropriations," and then in  
11 parentheses H.B. 81?

12 A Uh-hum. (Affirmative.)

13 Q What's the difference between the  
14 continuation budget and the reference to the  
15 appropriation?

16 A I believe what you're seeing is under the  
17 continuation budget a reference to the allocation  
18 made to this department and program, either through  
19 that original appropriations act, if we're looking  
20 at the amended appropriations, or the fiscal year  
21 appropriations for the prior year if we're looking  
22 at the new fiscal year budget.

23 So it's a starting point, and then the  
24 enumerated line items that have the programmatic  
25 changes show how to -- or how in each of these

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1 stages the allocations were adjusted up or down, and  
2 then the result of that is the appropriation.

3 So it's a sequence in time essentially,  
4 starting point changes and then final appropriation  
5 by program.

6 Q So would it be fair to think of the  
7 continuation budget as sort of a picture of the  
8 status quo and the appropriation as to how that  
9 would change as to the coming fiscal year, according  
10 to whatever the proposal is?

11 A Yes.

12 MS. GARDNER: I'd like the court reporter  
13 to mark this document as Plaintiff's Exhibit  
14 880.

15 (WHEREUPON, Plaintiff's Exhibit-880 was  
16 marked for identification.)

17 BY MS. GARDNER:

18 Q Mr. Beck, you've been handed what has been  
19 marked as Plaintiff's Exhibit 880.

20 This is an email from Sara Arroyo, dated  
21 February 4, 2016, to you, with the subject "Tracking  
22 Document," and it includes one attachment that is a  
23 Word document with the file name "FY 2017 House  
24 Appropriations Education Subcommittee Tracking  
25 Document."



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1                   The Bates-stamp on the first page of this  
2 document is GA00278503.

3                   Do you recognize this?

4           A       I don't recognize -- yes, I understand  
5 what the email is about but I don't recall it  
6 specifically.

7           Q       Do you have any reason to doubt that you  
8 received this email?

9           A       I don't.

10          Q       Ms. Arroyo is a senior budget and policy  
11 analyst in the Georgia House Budget and Research  
12 Office; is that correct?

13          A       The last time I worked with her, yes.

14          Q       And at the time she sent this email, that  
15 was her position?

16          A       That's my recollection.

17          Q       And is that indicated by the signature  
18 block in her email?

19          A       Yes.

20          Q       Turning to the attachment, which has a  
21 beginning Bates No. of GA00278504, what is this  
22 document?

23          A       This is what's referred to as a tracking  
24 document, which again serves a similar purpose to  
25 the exhibit we just looked at where we were

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1 examining the Governor's recommendations as compared  
2 to those made by, in this case, the House chamber on  
3 a programmatic basis by state agency.

4 Q Was this document created by the House  
5 Budget and Research Office?

6 A I believe so.

7 Q Would you receive copies of this sort of  
8 document periodically during your time as chief  
9 financial officer at GaDOE?

10 A Yes.

11 Q What would you typically do with a  
12 document like this?

13 A I would typically provide a copy to my  
14 budget staff, if they had not already received it,  
15 and more than likely the chief of staff, with a  
16 summary of any significant changes from the  
17 Governor's recommendation.

18 Q Turning to Page 2 of 9 in the track sheet  
19 attachment, correct that this is Section 24, which  
20 relates to the Department of Education?

21 A Yes.

22 Q And on this document there are various  
23 departments or programs related to GaDOE listed on  
24 the far left-hand column, correct?

25 A Correct.

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1 Q And then there are four columns to the  
2 right of each such department or program with  
3 amounts for those departments or programs in the  
4 various columns?

5 A Correct.

6 Q And those four columns are Base Budget,  
7 Agency Requests, Gov's Rec, and House, correct?

8 A Correct.

9 Q Can you tell me what each of those  
10 categories means?

11 A Base budget would refer to the amounts  
12 allocated to these programs by -- it looks like in  
13 this case the previous fiscal's appropriation act.  
14 So this would have been the starting point for the  
15 budget development process, would show up under that  
16 document we just looked at I think as the  
17 continuation section.

18 Agency request would be any changes made  
19 as a result of the budget requested by, in this  
20 case, the Department of Education to the Governor's  
21 Office, so that budget development process.

22 Then the Governor's rec column would  
23 reflect those changes that the Governor has proposed  
24 as a result of the budget development process.

25 And then finally the House column would

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1 reflect any changes or either, I guess, the  
2 agreement with the Governor's recommendations.

3 Q And these columns are arranged in time  
4 order according to how state budget amounts  
5 processed -- progressed through the process, right?

6 A That's correct.

7 Q Turning to Page 3 of 9, Section 24.9 is  
8 the section related to GNETS, correct?

9 A Correct.

10 Q Most of the numbers in this section are  
11 the same across the four columns, but I note that  
12 there is a -- it's 24.9.3, the line item, and it  
13 shows that there is an increase of \$72,462 that only  
14 appears on the Governor's recommendation column and  
15 the House column. Do you see that?

16 A I do.

17 Q Does that mean the Governor recommended  
18 that addition, and the Georgia House accepted that  
19 addition during the budget process?

20 A Yes.

21 Q And does the absence of that amount from  
22 the Agency Request column mean that GaDOE did not  
23 request that increase in its budget formulation?

24 A I believe so.

25 Q And then likewise, there is, and this is

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1 Line 24.9.2, an amount of \$46,724 identified as  
2 increased funds for personal services and operating  
3 expenses for the program manager position to provide  
4 state level support, that appears in the Governor's  
5 recommendation and House columns, but not in the  
6 others; is that right?

7 A That's correct.

8 Q And does that also mean that the Governor  
9 recommended that addition and the Georgia House  
10 accepted that addition?

11 A Yes.

12 Q And that amount is absent on the Agency  
13 Request column, correct?

14 A Correct.

15 Q So that means that GaDOE did not  
16 originally request that amount in its budget  
17 formulation, right?

18 A I believe that's correct.

19 Q What is the significance of -- in the  
20 Section 24.9 that relates to GNETS, do you see the  
21 reference to HB 76?

22 A Yes.

23 Q And then at the bottom, under the phrase  
24 Program Net, there's a reference to HB 751?

25 A Yes.

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1 Q What is the significance of those two  
2 numbers?

3 A I believe HB 76 would be the FY16  
4 Appropriations Act. So again that's starting point  
5 and would be the point-of-origin for those numeric  
6 amounts you see in the topmost line for each of  
7 these programs.

8 And then HB 751 is referring to the  
9 proposed house version of the FY17 Appropriations  
10 Act. So essentially this document.

11 Q And in the Governor's recommendation  
12 column and the House column, I take it then if you  
13 compare the HB 76 line and the HB 751 line, you can  
14 see sort of what the change is in the appropriations  
15 from the prior fiscal year to the current one?

16 A Yes.

17 MS. GARDNER: I'd like to ask the court  
18 reporter to mark this document as Plaintiff's  
19 Exhibit 881.

20 (WHEREUPON, Plaintiff's Exhibit-881 was  
21 marked for identification.)

22 BY MS. GARDNER:

23 Q You have been handed what has been marked  
24 as Plaintiff's Exhibit 881. This is an email from  
25 you to the Executive Cabinet, dated February 8,

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1 2016, with the subject "Amended FY 2016 Budget," and  
2 one attachment.

3 The Bates-stamp on this document is  
4 GA00278561.

5 Do you recognize this document?

6 A I do.

7 Q Who is on the Executive Cabinet?

8 A Individuals with the title of deputy  
9 superintendent, ranging from my side of the house  
10 with operations to all the folks that were in the  
11 academic service areas.

12 Q And were you on the Executive Cabinet?

13 A I was.

14 Q Is the chief of staff on the Executive  
15 Cabinet?

16 A Yes.

17 Q Anyone else whose title is not deputy  
18 superintendent?

19 A I don't recall.

20 Q You write here: "The Senate  
21 Appropriations Committee released their  
22 recommendations today. They have agreed to all of  
23 the House's recommendations for GaDOE, which in turn  
24 mirror the Governor's original recommendations. The  
25 chambers will now begin their conference over the

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1 amended appropriations act, but given there are no  
2 disagreements in our budget, we are essentially  
3 wrapped for the first two acts (barring any last  
4 minute surprises). I would expect that they will  
5 pass the amended appropriations act by the end of  
6 this week, and that the Governor will sign it  
7 shortly thereafter."

8 Do you see that?

9 A I do.

10 Q What did you intend to convey when you  
11 said "we are essentially wrapped for the first of  
12 the two acts (barring any last minute surprises)"?

13 A That this would represent one of the last  
14 procedural pieces for the adoption of the amended  
15 fiscal year budget with the upcoming fiscal year's  
16 budget still to come, but that that did not  
17 guarantee that we were done, that changes could  
18 still be made to these recommendations in Conference  
19 Committee.

20 Q And when you refer to the first of the two  
21 acts, what is the first of the two acts?

22 A The amended fiscal year appropriations  
23 act.

24 Q And then the second act would be the  
25 Fiscal Year 2017 appropriations?



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1 A Yes.

2 Q Turning to the attachment, which has a  
3 beginning Bates number of GA00278562. What is this  
4 document?

5 A This appears to be another tracking  
6 document. In this case I think it's the Senate  
7 Budget Office's format, containing again that  
8 longitudinal depiction of a beginning budget,  
9 changes, and then an ending budget for each of the  
10 programs by state agency in the education section.

11 Q So this document would have been drafted  
12 by the Senate Budget and Evaluation Office?

13 A I believe so.

14 Q Turning to Page 8 of 20, am I correct that  
15 at the bottom of this page begins the section  
16 dedicated to GNETS?

17 A Yes.

18 Q And on Page 9 of 20, there is a program  
19 overview section for GNETS, correct?

20 A Yes.

21 Q And that contains a section called  
22 "Summary of Activities"?

23 A It does.

24 Q What information does a Summary of  
25 Activities typically convey?

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1           A     Not having authored these documents, I  
2     don't know. But my assumption is that it's a  
3     written description of the Senate's interpretation  
4     of what these different programs provide to the  
5     State.

6           Q     And this section also contains a statement  
7     related to target population, correct?

8           A     It does.

9           Q     A section on location; is that right?

10          A     Correct.

11          Q     And then there's a section on delivery  
12     mechanism, correct?

13          A     It appears so.

14          Q     This section includes the continuation  
15     budget, and then the appropriations, which here is  
16     HB 750.

17                     I take it that the definitions that we  
18     discussed earlier apply here and that the  
19     continuation budget shows what the status quo was,  
20     and the appropriations section shows how HB 750  
21     would change that picture?

22          A     That's my understanding.

23          Q     And in both the continuation budget and  
24     the appropriation HB 750, the total state funds  
25     amount for GNETS is made up entirely of state

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1 general funds; is that correct?

2 A That appears to have an additional federal  
3 funds component.

4 Q Right, but in terms of the amount that is  
5 total state funds --

6 A I'm sorry, yes.

7 Q -- that's comprised entirely of state  
8 general funds?

9 A Correct.

10 Q What are state general funds?

11 A Those are revenues received by the State  
12 that are appropriated to state agencies.

13 Q Are there other kinds of state funds that  
14 could be awarded to an agency apart from state  
15 general funds?

16 A I believe so. Motor fuel tax is one that  
17 comes to mind, and possibly lottery proceeds I think  
18 are also categorized as state funds.

19 Q And who determines whether the funds an  
20 agency receives will be state general funds or motor  
21 fuel tax or lottery proceeds?

22 A Unless it's otherwise prescribed by  
23 statute, it would be the Governor and the  
24 legislature.

25 Q Looking at the total Federal Funds section

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1 in both the continuation budget and appropriation HB  
2 750 for GNETS, correct that that amount is made up  
3 entirely of special education grants to states?

4 A Yes.

5 Q Does that mean that the GNETS program  
6 would not receive any other category federal funds?

7 A It does not. Appropriations acts by law,  
8 to my understanding, can only speak to state  
9 allocations. These documents have over time  
10 incorporated what I'd call additional information,  
11 such as what federal funds have been recognized as  
12 part of the program at that point in time the budget  
13 development began, but the appropriations acts  
14 cannot prescribe non-state funding, for the most  
15 part. So for federal funds they can come in and out  
16 of a program as the agency conducts its course of  
17 business.

18 So it is not a limit.

19 Q So even after a final appropriations bill  
20 is passed, and say that final appropriations bill  
21 identifies special education grants to states as the  
22 only federal funds received by the GNETS program,  
23 the GNETS program could later receive federal funds  
24 in some other category?

25 A That's correct.

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1 Q And who would -- who would determine  
2 whether the GNETS program received federal funds  
3 from, you know, some other category?

4 A In that case I would think it would be a  
5 conversation between the program manager and DOE  
6 leadership about the existence of those funds, any  
7 requirements or other commitments that they  
8 entailed, and then the typical process for receiving  
9 federal funds, an award letter, the accounting  
10 processes that take place in association with that,  
11 and then the actual receipt of the funds, either  
12 directly or through reimbursement.

13 Q When you say a conversation between the  
14 program manager and DOE leadership, are you talking  
15 about leadership at GaDOE?

16 A Yes.

17 MS. GARDNER: I'd like to ask the court  
18 reporter to mark this document as Plaintiff's  
19 Exhibit 882.

20 (WHEREUPON, Plaintiff's Exhibit-882 was  
21 marked for identification.)

22 BY MS. GARDNER:

23 Q You've been handed what's been marked as  
24 Plaintiff's Exhibit 882. This is an email from Jon  
25 Cooper to you with a copy to Brian Hampton and Amy

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1 Rowell, dated March 22nd, 2016, with the subject  
2 "RE: 2017 Budget," and one attachment.

3 Do you recognize this?

4 A I do.

5 Q For the record, this document is  
6 Bates-stamped GA00279195?

7 A Correct.

8 Q I believe you said earlier that Jon Cooper  
9 and Brian Hampton at some point were the head of the  
10 budget area; is that correct?

11 A Brian was the director when I came on, and  
12 retired, and then Jon was his replacement, who had  
13 been serving in an assistant director role.

14 Q It looks like Jon Cooper at this time was  
15 the assistant budget director?

16 A Yes.

17 Q So Brian Hampton would have been the  
18 actual budget director at this time?

19 A Correct.

20 Q Who is Amy Rowell?

21 A Rowell. She was the director for -- I  
22 forget the name of the group, but they were tasked  
23 with providing services around LEA finances, a lot  
24 of tracking and reporting and other consulting  
25 assistance to those organizations.

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1 Q Okay. And she was an employee of GaDOE?

2 A Correct.

3 Q In Mr. Cooper's email, he writes: "FYI,  
4 Attached is what came out of Conference Committee  
5 this morning." Correct?

6 A Yes.

7 Q Looking at the attachment, which has a  
8 beginning Bates number of GA00279196 -- I'm sorry --  
9 197, am I correct this is another track sheet?

10 A Yes.

11 Q And this track sheet does not contain the  
12 base budget or agency request, correct?

13 A It does not appear to.

14 Q But it does contain the Governor's  
15 recommendation, the House and Senate numbers, and  
16 then numbers in a column labeled "Conf Cmte,"  
17 correct?

18 A Yes.

19 Q And that final column, does that refer to  
20 the Conference Committee?

21 A I believe so.

22 Q Turning over to Page 53 of 130, the GNETS  
23 program section appears in 24.9 on this page; is  
24 that right?

25 A Yes.

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1 Q And am I correct in understanding that in  
2 this particular track sheet it looks like there is a  
3 complete agreement between the Governor's  
4 recommendation, the House and Senate versions, and  
5 then what came out of the Conference Committee?

6 A That appears to be true.

7 Q What is the difference between a state  
8 funded grant and a formula-based allocation for  
9 purposes of Georgia Department of Education funding?

10 A I'm not sure. My assumption is that  
11 formula based would be those that are prescribed to  
12 the State as something calculated based on a series  
13 of metrics and criteria, and a grant would have more  
14 flexibility for the amount either allocated to it or  
15 the manner in which it is allocated to recipients.

16 Q When you say a grant would have more  
17 flexibility for the amount allocated to it or the  
18 manner in which it is allocated to recipients, do  
19 you mean that the State has more flexibility in  
20 determining those amounts?

21 A That would be my assumption.

22 MS. GARDNER: I'd ask the court reporter  
23 to mark this as Plaintiff's Exhibit 883.

24 (WHEREUPON, Plaintiff's Exhibit-883 was  
25 marked for identification.)



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1 BY MS. GARDNER:

2 Q You've been handed what's been marked as  
3 Plaintiff's Exhibit 883. This is an email from you  
4 to Garry McGiboney, with a copy to Louis Erste,  
5 dated January 12, 2017, with the subject line "State  
6 funded grant programs."

7 The Bates-stamp on this document is  
8 GA00282052.

9 Do you recognize this email?

10 A Not specifically, but --

11 Q Do you have any reason to doubt that you  
12 received it?

13 A That I wrote it?

14 Q I'm sorry. That you wrote it?

15 A I don't.

16 Q Who is Garry McGiboney?

17 A He was the deputy superintendent, and I  
18 don't know the exact area or title, but worked on a  
19 variety of different programs in the student  
20 services and academic side of the house.

21 Q And who is Louis Erste?

22 A Erste was his deputy in that same  
23 functional area.

24 Q Was Garry McGiboney's deputy?

25 A Correct.

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1 Q You write here: "I've listed here -- you  
2 write: Here I've listed the programs and  
3 sub-programs that are state-funded grant or  
4 formula-based allocations to districts."

5 Is that right?

6 A Yes.

7 Q And then there is a list that follows?

8 A Yes.

9 Q Which of the items on the list are state  
10 funded grants?

11 A I don't recall.

12 Q So looking at this list, it's not clear to  
13 you which of these would be state-funded grants and  
14 which would be formula-based allocations?

15 A I could hazard a guess, but without going  
16 back and looking at the statutes, I wouldn't want to  
17 posit one was for certain state funded or formula  
18 based.

19 Q Are there any programs or subprograms at  
20 GaDOE that receive funding that would not fall into  
21 one of these two categories, either a state-funded  
22 grant or a formula-based allocation?

23 A There are.

24 Q And what -- how would you describe those  
25 categories of funding?

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1           A       Probably administrative programs. For  
2       example, my office was called Business and Finance,  
3       at least according to the appropriations act, and it  
4       received an appropriation that was neither -- it was  
5       state funded but it wasn't a grant or a formula.

6           Q       Okay. Once a state appropriations bill  
7       becomes law and GaDOE has clarity about its budget,  
8       what does GaDOE then do with that information?

9           A       We build the financial system to account  
10      for that. So we enter those amounts such that those  
11      programs, either internally or those that are being  
12      allocated to LEAs or similar entities, receive their  
13      funding in the manner prescribed by the Governor and  
14      the legislature.

15          Q       We've talked about several reports at the  
16      State level that provide information relating to the  
17      budget on the front end. Are there any reports at  
18      the State level that provide information about the  
19      use of state funds post hoc and how those funds were  
20      used or how effective the use of those funds was?

21          A       We tracked typical accounting  
22      transactions, so the distribution of the funds, but  
23      I'm not aware of a system that we maintained in my  
24      office that spoke to outcomes associated with those  
25      funds.

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1 Q Did GaDOE track any sort of performance  
2 measures for programs?

3 A I'm sure it did.

4 MS. GARDNER: I'd like to ask the court  
5 reporter to mark this document as Plaintiff's  
6 Exhibit 884.

7 (WHEREUPON, Plaintiff's Exhibit-884 was  
8 marked for identification.)

9 BY MS. GARDNER:

10 Q Mr. Beck, you've been handed what's been  
11 marked as Plaintiff's Exhibit 884. This is an email  
12 from Kerri Wilson to Richard Woods, you, and Allan  
13 Meyer, with a copy to Omar, Bibi and Emily Jones.

14 The date of this email is December 6,  
15 2018, and the subject is "FY 2020 Performance  
16 Measures Report."

17 There's one attachment to this document.  
18 The Bates-stamp on the document is  
19 GA00290290.

20 Do you recognize this email?

21 A Not specifically.

22 Q Do you have any reason to doubt that you  
23 received it?

24 A I do not.

25 Q Who's Kerri Wilson?

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1           A     Kerri was -- actually, one of my former  
2     staff who became the Education Division director at  
3     OPB after my tenure.

4           Q     So you had worked with Ms. Wilson prior to  
5     being on the GaDOE side?

6           A     Yes.

7           Q     And am I correct that Richard Woods is the  
8     State superintendent?

9           A     That's correct.

10          Q     Who is Allan Meyer?

11          A     He worked for Dr. McGiboney.

12          Q     And what about Omar Bibi, or Bibi Omar?

13          A     She would have been Kerri's deputy, I  
14     believe, or at least one of the analysts on her team  
15     responsible for DOE.

16          Q     And Emily Jones?

17          A     Same role.

18          Q     What is a performance measures report?

19          A     These are documents produced by OPB. I  
20     don't recall when they originated but they are not  
21     dissimilar to the Governor's budget report but  
22     collects performance measures that have been  
23     established for each of the state agencies and  
24     tracks them longitudinally.

25          Q     Okay. When you say that the report

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1 collects performance measures that have been  
2 established for each of the state agencies, who  
3 establishes those performance measures?

4 A From what I recall, it was a process by  
5 which the agencies and the Governor's Office, OPB,  
6 proposed and adopted a series of metrics. It wasn't  
7 necessarily -- it could be adapted over time and  
8 changed if need be, or if seemed appropriate at the  
9 directive of OPB, since it was their system and  
10 document.

11 Q So GaDOE would have had input into what  
12 its performance measures for its programs would have  
13 been?

14 A That's my assumption.

15 Q And OPB also would have had input?

16 A I would say they had the primary role in  
17 establishing them.

18 Q Is it fair to say OPB would have had the  
19 final say?

20 A Yes.

21 Q What is the purpose of the performance  
22 measures report?

23 A My guess is to provide some sort of  
24 quantification or other description of outputs and  
25 outcomes to stakeholders and taxpayers.

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1 Q You mention that the information included  
2 in the performance measures report is tracked  
3 longitudinally, correct?

4 A Correct.

5 Q Is the performance measures report issued  
6 each fiscal year?

7 A That's my recollection.

8 Q And when it's issued, does it include  
9 information reporting over a series of years?

10 A Yes.

11 Q Turning to the first page of the report --  
12 actually, the page of the report that has 1 on it,  
13 but it is not actually the cover of the report, but  
14 it will be the page after the table of contents.

15 Do you see it?

16 A I do.

17 Q At the top it says FY 2020 Performance  
18 Measure Report?

19 A Yes.

20 Q And this says that the Office of Planning  
21 and Budget publishes performance annually, correct?

22 A Yes.

23 Q And it then says that: "For the FY 2020  
24 budget cycle, agencies reported actual program  
25 performance data for FY 2015 through FY 2018 for

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1 workload, efficiency, and outcome measures."

2 Is that right?

3 A Yes.

4 Q It goes on to say: "Measuring performance  
5 in these three areas helps state decision makers and  
6 agency stakeholders understand how well programs are  
7 operating and whether they are achieving their  
8 intended outcomes." Correct?

9 A Correct.

10 Q Is it fair to say that this summarizes the  
11 purpose of the Performance Measure Report?

12 A I would agree.

13 Q Turning to Page 39 of the report, is this  
14 where the section on the Department of Education  
15 begins?

16 A Yes.

17 Q And am I correct that the section  
18 pertaining to GNETS appears on Page 41?

19 A Yes.

20 Q What are the performance measures  
21 identified for the GNETS program?

22 A The document reads: "number of students  
23 served, cost per student (to include state and  
24 federal funds), percentage of students who meet or  
25 exceed reading and math standards on Milestones,



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1 percentage of students who are marked as proficient  
2 on the Georgia Alternate Assessment."

3 Q How do these measures help state  
4 decision-makers and agency stakeholders understand  
5 how well the GNETS program is operating?

6 A I couldn't speak to that.

7 Q Looking at the actual measures, the first  
8 you mentioned is number of students served, and this  
9 includes the number of students served from FY2015  
10 to FY2018, correct?

11 A It appears so.

12 Q That number decreases over time; is that  
13 correct?

14 A I agree.

15 Q So in FY2015, there were 4,758 students  
16 served in GNETS?

17 A Yes.

18 Q And then in FY2018 the number was 3,805?

19 A I see the same.

20 Q The next performance measure is cost per  
21 student (to include state and federal funds). Am I  
22 correct that number increases over time?

23 A It appears to.

24 Q So in FY2015 the cost per student was  
25 \$13,258? Is that right?

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1 A That's what I read.

2 Q And in FY2018, what was the cost per  
3 student?

4 A The document states \$19,179.

5 Q You mentioned that the third performance  
6 measure was percentage of students who meet or  
7 exceed reading and math standards on Milestones?

8 A Correct.

9 Q What was that percentage for FY2015?

10 A The document reads "Not applicable."

11 Q What about for FY2016?

12 A Also not applicable.

13 Q What about for FY2017?

14 A Not applicable.

15 Q And for FY2018?

16 A Not applicable.

17 Q The last performance measure here is  
18 percentage of students who are marked as proficient  
19 on the Georgia Alternative Assessment. Do you see  
20 that?

21 A I do.

22 Q And does the report indicate that the  
23 percentage for FY2015 through FY2018 is also not  
24 applicable?

25 A I see the same.

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1 Q Why is there no data here for performance  
2 measures related to GNETS student outcomes and  
3 academic assessments?

4 MR. PICO PRATS: Objection to form.  
5 You can still answer.

6 A I'm not sure.

7 Q GaDOE would have been responsible for  
8 providing that information to OPB?

9 A Yes.

10 Q Do you know whether GaDOE did provide that  
11 information to OPB?

12 A I'm not sure.

13 Q For purposes of reporting on performance  
14 measures, what is the chain in terms of how  
15 information flows from GaDOE to OPB for purposes of  
16 this performance measures report?

17 A From what I recall, we would receive some  
18 sort of notification at a certain point in the  
19 budget development cycle or the administration of  
20 the fiscal year indicating that data was needed to  
21 populate this report. I think that would usually  
22 come from OPB to someone on my budget team, and they  
23 would work with the stakeholders across the Georgia  
24 Department of Education to collect that information  
25 from those individuals, compile that, send it back

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1 to OPB for their review and inclusion in this  
2 report.

3 Q Was the person on your team responsible  
4 for collecting that information from, you know,  
5 various areas within GaDOE and providing it to OPB a  
6 single individual, or are there multiple people on  
7 your team responsible for different areas within  
8 GaDOE?

9 A I don't recall exactly, but my guess would  
10 be it would be Jon Cooper and probably Geronald  
11 Bell.

12 Q Okay. Am I correct in this section on  
13 Georgia Network for Educational and Therapeutic  
14 Support that there are no performance measures for  
15 the number or percentage of GNETS students returned  
16 to their home schools?

17 MR. PICO PRATS: Objection to form.

18 A I don't see that.

19 Q And am I correct there are no performance  
20 measures for average length of stay in GNETS?

21 MR. PICO PRATS: Same objection.

22 A I don't see that either.

23 Q And correct there are no performance  
24 measures for graduation rates?

25 MR. PICO PRATS: Same objection.

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1 A I don't see that.

2 Q Correct that there are no performance  
3 measures for dropout rate?

4 MR. PICO PRATS: Same objection.

5 A I don't see that.

6 Q Correct that there are no performance  
7 measures for percentage of students enrolled in  
8 post-secondary education within 16 months of  
9 graduation?

10 MR. PICO PRATS: Same objection.

11 A I don't see that.

12 Q Correct there are no performance measures  
13 for college and career ready performance index  
14 scores?

15 MR. PICO PRATS: Same objection.

16 A I don't see that.

17 Q And correct that there are no performance  
18 measures for any positive post-secondary outcome at  
19 all?

20 MR. PICO PRATS: Same objection.

21 A I don't see that.

22 MS. GARDNER: We've been going about an  
23 hour and a half. Would you like to take a  
24 break?

25 THE WITNESS: Sure.

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1 MS. GARDNER: Okay.

2 THE VIDEOGRAPHER: The time is 10:40 a.m.

3 We are off the record.

4 (A recess was taken.)

5 THE VIDEOGRAPHER: The time is 10:48 a.m.,  
6 and we are back on the record.

7 BY MS. GARDNER:

8 Q So we talked quite a bit about the State  
9 budget process and the Georgia Department of  
10 Education broadly. I want to talk a little bit more  
11 specifically about how GNETS funding fits into the  
12 GaDOE budget process.

13 I think we've seen already that the GNETS  
14 program is funded through a specific line item in  
15 the state appropriations bill, right?

16 A Correct.

17 Q Correct that the funds identified in the  
18 state appropriations bill for GNETS are made up of  
19 state funds and federal funds?

20 A Yes.

21 Q Is it fair to say that the lion's share of  
22 the amount in the state appropriations bill  
23 allocated to GNETS are state funds?

24 A That's my understanding.

25 Q Does the GNETS line item in the state

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1 appropriations bill indicate how much money each  
2 regional GNETS program is allocated, or does it  
3 provide a lump sum that is just allocated to GNETS  
4 as a whole?

5 A I believe it's a lump sum.

6 Q Is that lump sum later split and allocated  
7 among the regional GNETS programs?

8 A That's my recollection.

9 Q Who determines those allocations?

10 A No one individual that I'm aware of. From  
11 what I recall, there's a spreadsheet that gets  
12 shared among the budget writers to include DOE, the  
13 Governor's office, the House and the Senate, that's  
14 essentially agreed upon, but -- may reflect  
15 something in statute. I don't recall the specifics,  
16 but it derives the individual site allocations.

17 Q Who is involved in sort of, sort of  
18 physically or mechanically creating those  
19 allocations, whether that's on a spreadsheet? Is  
20 there somebody in charge of doing the math according  
21 to whatever formula is preset?

22 A In the department side, it would have been  
23 someone in our budget office.

24 MS. GARDNER: I would like to have the  
25 court reporter mark this document as

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1 Plaintiff's Exhibit 885.

2 (WHEREUPON, Plaintiff's Exhibit-885 was  
3 marked for identification.)

4 BY MS. GARDNER:

5 Q You have been handed what's been marked as  
6 Plaintiff's Exhibit 885. This is an email from  
7 Kerri Wilson to you and several others, dated  
8 January 14th, 2016. The subject is "AFY 2016 and FY  
9 2017 DOE Formulas." And there are several  
10 attachments.

11 The Bates-stamp on this document is  
12 GA00278329.

13 Do you recognize this email?

14 A Not specifically.

15 Q Do you have any reason to doubt that you  
16 received it?

17 A I do not.

18 Q Am I correct that all of the recipients of  
19 this email, apart from you, work in the Georgia  
20 General Assembly or the Georgia Governor's Office?

21 A That appears to be the case.

22 Q And correct that AFY is Amended Fiscal  
23 Year 2016?

24 A Yes.

25 Q In this email Ms. Wilson writes: "The



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1 formulas for the Department of Education are  
2 attached." Correct?

3 A Correct.

4 Q And are these at least some of the  
5 formulas that you've been discussing in terms of how  
6 formula-based allocations are determined?

7 A They appear to be.

8 Q Did you receive formulas like this from  
9 The Governor's Office of Planning and Budget each  
10 fiscal year?

11 A That would typically be the case.

12 Q At what point in the budget process would  
13 you typically receive these formulas?

14 A Some time after the dissemination of the  
15 Governor's budget recommendations.

16 Q Was there any process by which formulas  
17 were modified in any way to reflect changes in the  
18 draft appropriations bill as they move through the  
19 budget process?

20 A I don't think there's a formal process for  
21 that, no.

22 Q Would you sometimes receive updated  
23 formulas later in the process if there were changes  
24 to the appropriations bill?

25 A I would say changes to the data as opposed

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1 to the appropriations bill. These formulas were  
2 more of the driver for those numbers.

3 Q I see. And when you say changes in the  
4 data, you're referring to any sort of variables that  
5 would provide the input for the formulas, like  
6 student enrollment, for example?

7 A Correct. There can be adjustments made do  
8 to erroneous information that was received or data  
9 that just comes in later as a typical product of the  
10 cycle in which it is incorporated.

11 Q One of the formulas that you received in  
12 the attachments to this email was a formula for  
13 GNETS; is that correct?

14 A It appears so.

15 Q And was that typical?

16 A It would have been.

17 Q So when you would receive Department of  
18 Education formulas from OPB each fiscal year, you  
19 would receive a formula specific to GNETS?

20 A I believe so.

21 Q I want to take a look at the formula for  
22 GNETS, which was produced natively and assigned the  
23 Bates No. GA00278335.

24 I'm going to show that electronically.

25 Can you see this document?

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1 A I can.

2 Q Am I correct that on the far left column  
3 of this GNETS formula spreadsheet identifies each of  
4 the fiscal agents for the various regional GNETS  
5 programs?

6 A That appears to be the case.

7 Q Then there is a column to the right of  
8 that titled "FTE."

9 Do you see that?

10 A I do.

11 Q What do the numbers in that column  
12 represent?

13 A I believe these are going to be full-time  
14 equivalents, which is a metric that gets used by a  
15 lot of education agencies to describe a hypothetical  
16 student receiving a full day of service. There can  
17 be discrepancies between what you and I would  
18 probably call headcount and FTE, and it's usually  
19 more intuitive when we think about a standard K-12  
20 student. In high school, for example, you may have  
21 1,000 kids headcount but some portion thereof may  
22 only attend for a part of the day, maybe they have a  
23 work study or some similar activity, so they don't  
24 receive a full -- all the service hours of academic  
25 instruction they would otherwise normally receive.

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1                   So to equalize that, there's -- you can  
2   look at it and say, hypothetically, if each student  
3   was there for the entirety of that academic period,  
4   what would be that number, and so that headcount of  
5   1,000 may drop to something like in the 900s or 800s  
6   to reflect if all of these students were here -- I  
7   recall it on the K-12 side, I think it's six hours,  
8   what that would look like.

9                   So FTE is a different way to count the  
10   number of attendees in a program in a standardized  
11   manner and doesn't take into account any variability  
12   on how those academic hours or other service hours  
13   are actually distributed to the students.

14                Q     Okay. So subject to the nuances that  
15   you've just described, the number in this FTE column  
16   would be number of students served in each of the  
17   regional GNETS programs?

18                A     Yes.

19                Q     The next column, moving right, says  
20   Teacher, and then in parentheses it says, "1:6.5  
21   ratio."

22                   Do you see that?

23                A     I do.

24                Q     Is that a ratio of students to teachers?

25                A     That appears to be.

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1 Q Does that mean that every 6.5 students  
2 warrants one teacher in this formula?

3 A That would be my assumption.

4 Q And in that column is the significance of  
5 the 40,789 that appears beneath the teacher, that  
6 each teacher is funded by the State at that amount  
7 of money?

8 A That's my guess.

9 Q So is it correct that if you did the math,  
10 the roughly 3.1 million in funds identified for Bibb  
11 County under the Teacher column would be the result  
12 of dividing the number under FTE by 6.5 and then  
13 multiplying that number of teachers by 40,789?

14 A That's my assumption.

15 Q Is that generally how all of the other  
16 columns that relate to staff positions and have  
17 student-to-staff ratios work here?

18 A Typically.

19 Q And here there is a column for paraprofessionals,  
20 correct?

21 A Yes.

22 Q There's also a column for supervisors?

23 A Yes.

24 Q And for psychologists?

25 A Yes.

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1 Q And for social workers?

2 A Yes.

3 Q And then there's a column for clerical?

4 A Yes.

5 Q To the right of the column for parapro  
6 there is a column for operations. Do you see that?

7 A I do.

8 Q And the amounts for teachers, parapro,  
9 and this first operations column collectively make  
10 up the direct instruction amount, right?

11 A That seems to be the case.

12 Q What does operations in this particular  
13 column mean?

14 A I don't know specifically. My guess is  
15 that it refers to some intended funding amount to  
16 provide for the actual operation of the facility.

17 Q And that in this formula is funded at \$189  
18 per student?

19 A That appears to be so.

20 Q Am I correct that the amounts here for  
21 supervisor, psychologists, social worker, clerical,  
22 director, a second operations column, and M&O then  
23 collectively make up an amount that is referred to  
24 as support in this spreadsheet?

25 A That appears so.

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1 Q What is M&O?

2 A My guess is maintenance and operations,  
3 generally refers to spending on capital or physical  
4 facilities.

5 Q Who makes the decision about what the  
6 ratios for each of the staff positions listed on  
7 this spreadsheet will be?

8 A I don't know.

9 Q Is that done within the Georgia Department  
10 of Education?

11 A No.

12 Q That's a number that GaDOE receives from  
13 The Governor's Office of Planning and Budget?

14 A I'd say that it's prescribed to us by the  
15 consortium of budget writers, that there's some sort  
16 of tacit agreement among them as to the information  
17 in these spreadsheets, and we're tasked with  
18 implementing it.

19 Q And when you say the consortium of budget  
20 writers, who's included in that consortium?

21 A I would say OPB, then the House Budget  
22 Office and the Senate Office, and the Evaluation  
23 Office.

24 Q Anyone else?

25 A No.

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1 Q Do the ratios for staff positions listed  
2 on this formula change from year to year?

3 A They could but I don't recall if they did.

4 Q Was it your understanding that typically  
5 they were consistent from one year to the next?

6 A Yes.

7 Q There's some additional columns here. Do  
8 you see the column T&E w. Fringes?

9 A I do.

10 Q And then it says at 15.72 percent?

11 A Yes.

12 Q What is T&E with fringes?

13 A T&E refers to training and experience.  
14 There is a matrix adopted by, I believe it's the  
15 State Board, that speaks to how the State will fund  
16 teaching positions as based on number of years of  
17 service and the education credentials that they  
18 possess.

19 So, in general, as a teacher becomes more  
20 experienced and more educated, they are funded at a  
21 higher rate. It does not necessarily dictate that  
22 what LEA or, in this case, fiscal agent allocates to  
23 those individuals, but that's how the number for  
24 teacher is identified.

25 And so this incorporates the actual



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1 experience at each of those sites with a census of  
2 the teachers, of number of years of service,  
3 education degrees. They submit that to the State,  
4 and that's used to calculate the additional funding  
5 beyond that base teacher that you see in the  
6 previous column.

7 So that's the additional salary that's  
8 going to be funded. Again, not necessarily  
9 distributed on an individual basis.

10 Fringes refer to the ancillary amounts  
11 that you calculate for a salary payment, such as  
12 FICA, Medicare, and other multipliers generally  
13 related to one of the State's retirement systems.

14 Q And when you say that the T&E is the  
15 additional salary that's going to be funded but not  
16 necessarily distributed on an individual basis, what  
17 do you mean by not necessarily distributed on an  
18 individual basis?

19 A And this would be more applicable to my  
20 knowledge on the K-12 system as opposed to GNETS,  
21 but the State does not have a mechanism by which it  
22 can dictate what employee of the local education  
23 authority receives in terms of salary. So the State  
24 funds it. It's up to the LEA to actually administer  
25 and distribute their budget, subject to whatever

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1 else is in statute.

2 Q And you said your understanding of how  
3 that works is based largely on your experience on  
4 the LEA side?

5 A Yes. My guess is that the same metrics or  
6 framework is being used in this formula for GNETS,  
7 but I don't know it on the QBE side.

8 Q What does the column that says SHBP mean?

9 A This would be a calculation for the State  
10 Health Benefit Plan, Employer's contribution and  
11 it's paid or calculated on a per member, per month  
12 amount. There's some multiplier that's used to come  
13 up with that \$11,340 per individual who's enrolled  
14 in the SHBP plan for the State.

15 Q The parentheses that says PMPM, that's per  
16 member --

17 A Per member, per month. It used to be  
18 actuarially defined by the actual enrollment  
19 choices. The State at some point shifted to  
20 calculating a flat rate that would be the mechanism  
21 by which the employer share was calculated.

22 Q There is a column here that says, "Less  
23 Federal Funds." Do you see that?

24 A I do.

25 Q Do you understand the amounts listed here

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1 to be federal funding for each of the fiscal agents  
2 with the GNETS programs?

3 A I'm not sure what that refers to.

4 Q Okay. Are there federal funds assigned to  
5 each GNETS fiscal agent?

6 A I don't recall.

7 Q So there's some additional tabs in this  
8 spreadsheet, and I want to be sure that we're on the  
9 same page about what each of them is.

10 The tab that we are looking at right now  
11 is the GNETS formula tab, correct?

12 A Yes.

13 Q And the tab to the right of that says,  
14 "T&E." Is that correct?

15 A Correct.

16 Q Does this tab show where the number  
17 appearing on the GNETS formula tab for T&E with  
18 fringes comes from for each GNETS fiscal agent?

19 A That's my assumption.

20 Q To the right of the T&E tab is a tab  
21 labeled "SHBP," correct?

22 A Yes.

23 Q And does this show where the amount  
24 appearing in the SHBP column for each of the GNETS  
25 fiscal agents on the GNETS formula tab comes from?

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1 A It appears to.

2 Q And am I correct that number is based on  
3 the number of employees at each GNETS program  
4 enrolled in the State Health Benefit Plan, and that  
5 cost per enrolled employee of \$11,340?

6 A That's my assumption.

7 Q So here, presumably, and again using the  
8 County as an example because it's the first one, it  
9 says that there are 60 certificated employees  
10 enrolled in SHBP, and then the SHBP cost is  
11 identified as \$680,400, which presumably is the  
12 11,340 multiplied by 60 employees?

13 A That would be my guess.

14 Q The tab to the right of SHBP is Salary  
15 Detail, correct?

16 A Correct.

17 Q What does this tab show?

18 A This appears to show the components by  
19 which the base salary or other salaries for specific  
20 position types are funded by the State, along with  
21 some linkage back to statute that establishes how  
22 those are calculated.

23 Q And if at any point you need to move the  
24 screen to see more, you have control, so you can do  
25 that.

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1 A Okay.

2 Q The tab after Salary Detail is Salary  
3 Matrix. Correct.

4 A Correct.

5 Q What does this tab show?

6 A So this would be that census I referred to  
7 as the basis for the training and experience funding  
8 assigned to these entities.

9 So it shows the matrix that I believe the  
10 Board adopts that indicates years of experience,  
11 going down in the column, in Column A, and then  
12 various education credentials or professional  
13 classifications going across the columns, in rows  
14 13, 14, 15.

15 Q Okay. The next tab over from Salary  
16 Matrix is CPI data. What does the CPI Data tab  
17 indicate?

18 A This would be the actual number of  
19 individuals at each of these sites placed and  
20 categorized into one of those cells in the preceding  
21 matrix. So it shows the number of individuals with  
22 their various levels of experience and professional  
23 certifications.

24 Q Okay. And then the next tab is "Total  
25 Salary By System." What does that show?

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1           A     I believe it's showing the results of  
2 multiplying the information in the CPI data tab by  
3 the salary amounts that are listed in that salary  
4 matrix.

5           Q     And then there's a tab that's titled,  
6 "Salary Matrix Transposed." What does that mean?

7           A     I'm not certain. My guess is that there  
8 was some advantage to essentially flipping the  
9 information on the preceding spreadsheet so that  
10 columns become rows, rows become columns. Most  
11 likely for some sort of subsequent calculation that  
12 occurs in the spreadsheet.

13          Q     And then the final tab after Salary Matrix  
14 Transposed is Operations Funding Detail.

15                   What does this tab show?

16          A     It appears to show the itemized components  
17 that are used to arrive at that 10,500 multiplier  
18 that you see on the summary formula sheet.

19          Q     Okay. Just going back to the summary  
20 sheet, that 10,500 multiplier is the second  
21 operations column that indicates that that amount is  
22 provided for every 50 students; is that correct?

23          A     That appears to be the case.

24          Q     Once allocations for each of the 24  
25 regional GNETS programs are determined, how does the

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1 money that is allocated actually reach those  
2 programs?

3 A We would establish the accounting  
4 transactions necessary to reflect the appropriation  
5 and the individual site level allocation in one of  
6 our finance systems.

7 The dollars would be allocated to us as a  
8 department as part of a larger transaction on -- I  
9 think it was a monthly basis. So the Department of  
10 Education would receive funding from state treasurer  
11 for essentially 1/12th of whatever that program's  
12 allocation was.

13 Then we would receive that funding in our  
14 bank, and then the system would reallocate that  
15 based on a prorated version of this allocation to  
16 the individual sites through an electronic transfer  
17 of funds.

18 Q So each GNETS program fiscal agent would  
19 get an electronic transfer of funds from the Georgia  
20 Department of Education each month for 1/12th of  
21 whatever their allocation is?

22 A That's my guess. I'm not sure if that's  
23 exactly the process, but that would be a typical  
24 method of how that was allocated.

25 Q Is it correct that there is a portion of

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1 the money allocated to GNETS in the state  
2 appropriations bill that is for expenses at the  
3 Georgia Department of Education itself?

4 A I think there was a small administrative  
5 component.

6 Q So, for example, the salary of GNETS  
7 program staff?

8 A Yes.

9 Q What about contracts that GaDOE might  
10 enter into related to the GNETS program?

11 A I don't recall.

12 Q I don't know if I --

13 MS. GARDNER: So I would like to have the  
14 court reporter to mark this document as  
15 Plaintiff's Exhibit 886.

16 (WHEREUPON, Plaintiff's Exhibit-886 was  
17 marked for identification.)

18 BY MS. GARDNER:

19 Q You have been handed what's been marked as  
20 Plaintiff's Exhibit 886. This is an email from Jon  
21 Cooper to you and Brian Hampton, dated December 2,  
22 2015, with the subject "Forward: Roles and  
23 Responsibilities and Organization Chart."

24 And this email contains one attachment.

25 Do you recognize this?



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1 A Not specifically.

2 Q Do you have any reason to doubt that you  
3 received it?

4 A I don't.

5 Q In this email Jon Cooper asks: "Are we  
6 o.k. with the attached?"

7 Do you see that?

8 A I do.

9 Q And in the emails farther down in the  
10 thread, am I correct that someone from The  
11 Governor's Office of Planning and Budget had reached  
12 out to Mr. Cooper to ask him to review the roles and  
13 responsibilities language for GaDOE and notify that  
14 office if there were any changes or updates that  
15 needed to be made?

16 A Yes.

17 Q And this language outlining GaDOE's roles  
18 and responsibilities appears in the Governor's  
19 Budget Report; is that right?

20 A Yes.

21 Q We looked at that language in an example  
22 of the Governor's report earlier?

23 A Correct.

24 Q And so am I correct in understanding here  
25 Mr. Cooper is asking if you are okay with the

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1 language provided by The Governor's Office of  
2 Planning and Budget for the Georgia Department of  
3 Education's roles and responsibilities?

4 A That appears so.

5 Q And that language is included as an  
6 attachment to this email, correct?

7 A Yes.

8 MS. GARDNER: I'm going to ask the court  
9 reporter to mark this document as Plaintiff's  
10 Exhibit 887.

11 (WHEREUPON, Plaintiff's Exhibit-887 was  
12 marked for identification.)

13 MS. GARDNER: I think neglected to read  
14 the Bates Stamp for Plaintiff's Exhibit 886,  
15 and that is GA00277973.

16 A Correct.

17 Q So you have been handed what's been marked  
18 as Plaintiff's Exhibit 887. This is an email from  
19 you to Jon Cooper and Brian Hampton, dated December  
20 2, 2015, with the subject "Re: Roles and  
21 Responsibilities and Organizational Chart." And  
22 this document contains one attachment.

23 The Bates number of this document is  
24 GA00277977.

25 Do you recognize this email that you

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1 drafted?

2 A Not specifically.

3 Q Do you have any reason to doubt that you  
4 sent this email?

5 A I don't.

6 Q And in your email you say: "I've made a  
7 few adjustments - as discussed, please verify and  
8 update all the numeric data as needed. After that  
9 I'm good with you sending back over."

10 Do you see that?

11 A I do.

12 Q And this is your response to the email  
13 from Mr. Cooper that we just reviewed in Plaintiff's  
14 Exhibit 886?

15 A It appears so.

16 Q Is it your understanding that the  
17 attachment to this email reflects the few  
18 adjustments that you say you've made in your email  
19 to Mr. Cooper?

20 A It appears to be so.

21 Q So turning to the attachment, which has a  
22 beginning Bates number of GA00277979, does the  
23 highlighting in this attachment reflect those places  
24 where you made adjustments to the language?

25 A That's my assumption.

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1 Q So apart from the numeric data that you  
2 asked Mr. Cooper to update as needed, these  
3 highlighted areas reflect all of the edits you had  
4 to the proposed language?

5 A That's my guess.

6 MS. GARDNER: I'd like to ask the court  
7 reporter to mark this document as Plaintiff's  
8 Exhibit 888.

9 (WHEREUPON, Plaintiff's Exhibit-888 was  
10 marked for identification.)

11 BY MS. GARDNER:

12 Q You have been handed what's been marked as  
13 Plaintiff's Exhibit 888.

14 This is an email from Jon Cooper to Kerri  
15 Wilson, with copies to you and Brian Hampton, dated  
16 December 2, 2015, with the subject "Re: Roles and  
17 Responsibilities and Organization Chart." The email  
18 includes one attachment.

19 And this document is Bates-stamped  
20 GA00277981.

21 This is an email that you received from  
22 Mr. Cooper; is that correct?

23 A That's my assumption.

24 Q Do you have any reason to doubt that you  
25 received this email from Mr. Cooper?

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1 A I don't.

2 Q In the email Mr. Cooper writes: "Kerri,  
3 attached are the updated Roles and  
4 Responsibilities."

5 Do you see that?

6 A I do.

7 Q And Ms. Wilson is the person from The  
8 Governor's Office of Planning and Budget who  
9 initially asked Mr. Cooper to review the roles and  
10 responsibilities language for GaDOE, correct?

11 A Correct.

12 Q Turning to the attachment, which has a  
13 beginning Bates number of GA00277983, am I correct  
14 that this is the updated roles and responsibilities  
15 language submitted to the Governor's Office of  
16 Planning and Budget by Mr. Cooper?

17 A It appears to be.

18 Q And this language includes the shaded  
19 areas reflecting your edits to the original language  
20 sent by OPB, correct?

21 A Yes.

22 MS. GARDNER: I'd like to ask the court  
23 reporter to mark this document as Plaintiff's  
24 Exhibit 889.

25 (WHEREUPON, Plaintiff's Exhibit-889 was

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1 marked for identification.)

2 BY MS. GARDNER:

3 Q You've been handed what's been marked as  
4 Plaintiff's Exhibit 889. This is an email from Matt  
5 Jones to you, dated April 15, 2020, with the subject  
6 "Updates: GNETS Federal Grant Carryover Cap  
7 Listed."

8 The document is Bates-stamped GA00296106.

9 Is this an email that you received from  
10 Matt Jones?

11 A It appears to be.

12 Q Do you have any reason to doubt that this  
13 is not an email that you received from Matt Jones?

14 A The date -- I don't know that I was  
15 actually at DOE at this point.

16 Q You said you left DOE in 2020?

17 A Uh-hum. (Affirmative.)

18 Q And what month do you recall leaving DOE?

19 A January.

20 Q Okay. Recognizing that you may not have  
21 been at GaDOE at the time that this email was sent  
22 to you, am I correct that in this email Mr. Jones  
23 says that: "The Georgia Department of Education is  
24 suspending the carryover limit for the GNETS federal  
25 grant for this year. GaDOE will allow 100% for the

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1 FY20 GNETS federal grant"?

2 A That appears to.

3 Q What is a carryover limit, generally?

4 A In general, a lot of the federal grants  
5 have restrictions placed upon them that limit the  
6 amount of funding that could be carried over from a  
7 previous fiscal -- probably federal fiscal period to  
8 another federal fiscal period. That the expectation  
9 would be that funding was expended in the year in  
10 which it was awarded otherwise.

11 Q What was the carryover limit for the GNETS  
12 federal grant for years prior to FY20?

13 A I don't know.

14 Q What process did GaDOE have to take to  
15 suspend the carryover limit for the GNETS federal  
16 grant?

17 A I'm not sure.

18 MR. PICO PRATS: Objection to form.

19 Q Who made the decision to suspend the  
20 carryover limit?

21 MR. PICO PRATS: Objection to form.

22 A I'm not sure.

23 Q I take it you were not involved in that  
24 decision?

25 A I was not.

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1 Q We touched on this a bit before, but I  
2 want to ask again, what role does the State Board of  
3 Education play relative to GaDOE's budget?

4 A That it's advisory in nature, and they, in  
5 my mind, were receivers of information as opposed to  
6 influencing directly or advocating for specific  
7 funding requests.

8 Q Does the State Board of Education have to  
9 approve -- so to be clear, I'm talking about a world  
10 kind of post a final appropriations bill, where the  
11 budget for the Georgia Department of Education has  
12 been set. Does the State Board of Education have to  
13 approve specific uses of funds for particular  
14 projects or contracts or other matters that sort of  
15 have to do with the day-to-day operations of the  
16 Georgia Department of Education?

17 A I'm not sure what the legal requirements  
18 or bylaws stated, but we did present the  
19 appropriations to them for adoption as a regular  
20 course of business prior to the start of the fiscal  
21 year.

22 Q You referenced earlier something that I  
23 believe you referred to as a State Board item. Do  
24 you remember that?

25 A I believe so.



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1 Q What is a State Board item?

2 A It would be something that is considered  
3 by the State Board and approved or adopted by a  
4 recorded vote.

5 Q Are there State Board items that seek  
6 approval to spend GaDOE's money in particular ways?

7 A Yes.

8 Q Is there any sort of rule or policy as to  
9 when there needs to be a State Board item in order  
10 to spend money and when no such approval is  
11 required?

12 A There may be, but I'm not familiar with  
13 them.

14 Q Did you have any particular practice as to  
15 when State Board items would be submitted and when  
16 they would not need to be submitted?

17 A As it applied to the budget, we would  
18 typically present the Department's request for  
19 approval, and we would, as I mentioned, present the  
20 final appropriation acts, allocations for approval,  
21 and then there were throughout the year board items  
22 related to the receipt of federal funds, which they  
23 would approve as well.

24 Q Are there particular members of the state  
25 Board of Education who are specifically involved in

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1 budget issues?

2 A We had a finance -- or maybe Business and  
3 Finance Subcommittee. But, yes, they were -- some  
4 subset of them would focus on that as a course of  
5 business.

6 Q And how many State Board of Education  
7 members were on that finance or budget subcommittee  
8 that you're referring to when you were serving as  
9 CFO?

10 A I think four.

11 Q Who were those members?

12 A It changed over time. Larry Winter was  
13 one, Mike Royal was another, and Barbara Hampton.  
14 And those are at least three that I worked with most  
15 closely.

16 Q How frequently did you interact with the  
17 members of that State Board of Education budget or  
18 Finance Committee?

19 A Typically once a month for board meetings.

20 Q When you say once a month for board  
21 meetings, those are meetings of the entire State  
22 Board of Education?

23 A Correct.

24 Q Did you ever participate in any Budget or  
25 Finance Subcommittee meetings of the State Board of

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1 Education?

2 A Yes.

3 Q And what kinds of meetings did you  
4 participate in that respect?

5 A The general cadence would be that the  
6 Board would meet in committees on an assigned day,  
7 hear items and give their initial recommendations  
8 for the larger Board to consider, and then the  
9 subsequent day would be the big Board meeting where  
10 those actions were evaluated and the Board as a  
11 whole would conduct its business.

12 Q So you, during your time as CFO,  
13 participated to some extent in both of those kinds  
14 of meetings?

15 A Yes.

16 Q What was your role to the extent you  
17 participated in any subcommittee meetings?

18 A I would typically facilitate the  
19 proceedings. I would have an agenda. Various  
20 members of the department would present their items  
21 to the Board for consideration. We would answer  
22 questions as they came up and make recommendations  
23 to that group as to their actions.

24 Q Then in terms of your participation in the  
25 meeting of the State Board of Education as a whole,

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1 what role did you play?

2 A Typically it was just an audience member.  
3 I didn't have an actual role other than to be there  
4 to answer questions or to present if called upon.

5 Q So it sounds like most of the presentation  
6 would occur in subcommittee meetings?

7 A Yes.

8 Q And during those presentations at  
9 subcommittee meetings, I assume subcommittee members  
10 had the opportunity to ask questions about the Board  
11 items that were being presented?

12 A Yes.

13 Q Were there ever occasions where  
14 subcommittee members asked questions that required  
15 GaDOE to take them back to sort of do additional  
16 legwork and bring that information back to the  
17 subcommittee or to the Board at a later time?

18 A Yes.

19 MS. GARDNER: I'd like to ask the court  
20 reporter to mark this document as Plaintiff's  
21 Exhibit 890.

22 (WHEREUPON, Plaintiff's Exhibit-890 was  
23 marked for identification.)

24 BY MS. GARDNER:

25 Q You've been handed what's been marked as

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1 Plaintiff's Exhibit 890. This is an email from you  
2 to Matt Jones and others, dated May 15, 2019, with  
3 the subject line "Budget meetings with SBOE: May 20  
4 and 21."

5 The Bates number on this document is  
6 GA00009066.

7 Do recognize this email?

8 A Not specifically.

9 Q Do you have any reason to doubt that you  
10 sent this email?

11 A I do not.

12 Q Are the recipients on this email part of  
13 any particular group within GaDOE?

14 A This would have been multiple divisions  
15 and departments.

16 Q Okay. In this email you write: "Larry  
17 Winter and Mike Royal will be meeting with me on May  
18 20 and 21 to do our traditional review of the  
19 Department's upcoming fiscal year budget. As part  
20 of this, many of you know they liked meet one-on-one  
21 with various program staff to discuss operations,  
22 future budget needs, and other issues. As such,  
23 this is the list of invitees for next week."

24 Do you see that?

25 A I do.

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1 Q And then there's a list of various  
2 invitees, and on that list GNETS is included,  
3 correct?

4 A Correct.

5 Q What is the traditional review of the  
6 Department's upcoming fiscal year budget that you  
7 reference in this email?

8 A During my tenure members of the Budget and  
9 Finance Committee would like to come in in limited  
10 number to hear various department directors and  
11 administrators speak to what was going on in their  
12 area and talk about anything related to either  
13 finance or operations that seemed germane.

14 That's part of just I think of being  
15 informed on the manner on which the Department was  
16 operating and whether or not there were needs or  
17 other things that they could help advocate for.

18 Q Did this review typically occur in the May  
19 time frame each year?

20 A That sounds right.

21 Q And so how, if at all, does the review for  
22 an upcoming fiscal year budget dovetail with the  
23 State appropriations bill and the timeline in which  
24 that's finalized?

25 A This would have been in advance of

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1 probably receiving the Governor's budget  
2 instructions, but we would be in some sort of  
3 preliminary phase of getting information and things  
4 together to facilitate the budget development  
5 process when it began in earnest a little bit later  
6 in the summer.

7 Q So for this particular email that you're  
8 writing, these would be meetings that are happening  
9 in May, in advance of collecting information and  
10 submitting a request in accordance with the  
11 Governor's instructions some time in the fall?

12 A Correct.

13 Q So that would be basically for FY20?

14 A Yes.

15 Q How were the program staff with whom the  
16 Budget and Finance Committee, you know, were  
17 interested in meeting identified?

18 A They would provide that information to me  
19 as we began preplanning for the meetings. They  
20 would suggest or tell me these are the individuals  
21 that we'd like to hear from or the program areas  
22 that we'd like to go over.

23 Q Okay. Who on the GNETS program staff  
24 typically participated in the one-on-one meetings  
25 that you reference in your email?

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1           A     I believe it was Zelfhine Smith-Dixon,  
2     maybe Vickie Cleveland, I recognize that name, but I  
3     honestly don't recall.

4           Q     Did Nakeba Rahming every participate in  
5     any of those one-on-one meeting?

6           A     The name sounds familiar but I don't  
7     recall specifically.

8           Q     You go on to discuss what people need to  
9     do to prepare for these one-on-ones, and you say:  
10    "My team will prepare our normal budget projection  
11    templates to show what the FY20 program allocations  
12    will look like, along with our usual backup data."

13                   Do you see that?

14          A     I do.

15          Q     What is your usual backup data?

16          A     I don't recall specifically, but what we  
17    would have depicted for the purposes of the  
18    discussion is an anticipated spending plan based on  
19    current operations for the subsequent fiscal year.

20                   MS. GARDNER: I'd like to ask the court  
21    reporter to mark this document as Plaintiff's  
22    Exhibit 891.

23                   (WHEREUPON, Plaintiff's Exhibit-891 was  
24    marked for identification.)  
25



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1 BY MS. GARDNER:

2 Q You've been handed what's been marked as  
3 Plaintiff's Exhibit 891. This is an email from you  
4 to Vickie Cleveland and others, dated May 17, 2019,  
5 with the subject "Budget meetings with SBOE 5/21."

6 The document's Bates number is GA00293101.

7 Do you recognize this?

8 A Not specifically.

9 Q Do you have any reason to doubt that you  
10 sent this email?

11 A I don't.

12 Q In this email you circulate the schedule  
13 for some of the budget meetings set for May 21st,  
14 2019, that you referenced in the previous email that  
15 we reviewed, correct?

16 A That appears so.

17 Q And these were the meetings conducted as  
18 part of the annual budget review?

19 A It appears to be.

20 Q GNETS is on this schedule, correct?

21 A Correct.

22 MS. GARDNER: I'd like to ask the court  
23 reporter to mark this document as Plaintiff's  
24 Exhibit 892.

25 (WHEREUPON, Plaintiff's Exhibit-892 was

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1 marked for identification.)

2 BY MS. GARDNER:

3 Q You have been handed Plaintiff's Exhibit  
4 892. This is an email from you to Matt Jones, dated  
5 May 21st, 2019, with the subject "Recap."

6 The document is Bates-stamped GA00293151.

7 Do you recognize this email?

8 A Not specifically.

9 Q Do you have any reason to doubt that you  
10 sent this email?

11 A No.

12 Q In this email you say: "Thought things  
13 went just fine - no real hiccups or stopping points.  
14 As I mentioned, GNETS probably got the most  
15 questions but not in an antagonistic manner. More  
16 at just understanding what the state actually funds  
17 and how the various GNETS sites operate. They want  
18 to follow back up with Vickie on June 11 to get some  
19 more information on a few financial things that we  
20 said we would pull together in the meantime."

21 Do you see that?

22 A I do.

23 Q Is this a recap of the one-on-one budget  
24 meetings with the State Board of Education that were  
25 scheduled for me 21st, 2019?

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1 A It appears to be.

2 Q In this email you go on to identify the  
3 questions on the Budget Committee's follow-up list,  
4 correct?

5 A It appears so.

6 Q And one of those questions, and this is in  
7 the third bullet down, is: "Are enough therapeutic  
8 services being offered to GNETS students at all  
9 sites?" Correct?

10 A I see that.

11 Q What prompted that question from the  
12 Budget Committee?

13 A I don't recall.

14 Q What was the process after the Budget  
15 Committee meeting for getting an answer to that  
16 question?

17 A My assumption would be that we would have  
18 relied on, it looks like, Vickie to provide some  
19 sort of answer to these, and we would assist to  
20 translate where needed if it was specific to finance  
21 or some data that we had. But otherwise, if it's  
22 programmatic in nature, we would almost invariable  
23 be relying on the program managers.

24 Q Did you eventually provide the Budget  
25 Committee with an answer to this question?

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1 A I assume so.

2 Q What was that answer?

3 A I don't recall.

4 Q The question just beneath that, that's  
5 also on the follow-up list, is: "What amounts (if  
6 any) are local districts paying into their  
7 respective GNETS sites? What is each site's 'total'  
8 budget?"

9 Correct?

10 A I see that.

11 Q Would the process for getting the answer  
12 to this question the same as the process of getting  
13 the answer to the question just before that?

14 A We may have had more of a direct hand in  
15 that one if it had something to do with  
16 understanding how finances flow, but we would have  
17 probably verified that or received that information  
18 from program staff.

19 Q Did you eventually provide the budget  
20 committee with an answer to this question?

21 A I assume so.

22 Q And what was that answer?

23 A I don't recall.

24 Q The next question on the follow-up says:  
25 "Which RESAs are just fiscal agents for the GNETS

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1 site, and which are actually operating the site?"

2 Correct?

3 A Correct.

4 Q What did you understand to be the meaning  
5 of this question?

6 A I don't recall specifically, but it  
7 appears the Board wanted to understand the  
8 delineation between RESAs who had an actual  
9 programmatic responsibility and which were acting in  
10 a capacity where they were just helping receive and  
11 allocate funding.

12 Q And when you say RESAs who had an actual  
13 programmatic responsibility, that would be aligned  
14 with the RESAs that they reference here as actually  
15 operating a site?

16 A I believe so.

17 Q Did you eventually provide the Budget  
18 Committee with an answer to this question?

19 A I assume so.

20 Q And what was that answer?

21 A I don't recall.

22 Q What typically happens after the State  
23 Board of Education Budget and Finance Committee  
24 conducts its traditional review of GaDOE's upcoming  
25 fiscal year budget?

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1           A       There's an exchange of information. If  
2 they had questions, we looked to follow up and  
3 provide those answers to them. And that would be  
4 it.

5           Q       And when you say that would be it, that  
6 would be it until GaDOE developed some sort of  
7 budget request that was then provided to the State  
8 Board of Education in the fall?

9           A       Yes.

10           MS. GARDNER: I'm going to transition into  
11 a new sort of line of questions. I wasn't sure  
12 if you ordered lunch yet.

13           MR. PICO PRATS: I was waiting for you.

14           MS. GARDNER: Maybe we could take a break  
15 and take care of that.

16           Do you have preference as to timing for  
17 lunch? Do you want to try for 1:00?

18           MR. PICO PRATS: How long do you need?

19           MS. GARDNER: Earlier than that?

20           THE WITNESS: Up to you guys.

21           MR. PICO PRATS: Maybe earlier. If you  
22 need an hour, we can take an hour.

23           MS. GARDNER: No. I need to break.

24           THE VIDEOGRAPHER: The time is 11:53 a.m.  
25 and we're off the record.

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1 (A recess was taken.)

2 THE VIDEOGRAPHER: The time is 12:05 p.m.  
3 and we are back on the record.

4 MS. GARDNER: I'm going to ask the court  
5 reporter to mark this document as Plaintiff's  
6 Exhibit 893.

7 (WHEREUPON, Plaintiff's Exhibit-893 was  
8 marked for identification.)

9 BY MS. GARDNER:

10 Q Mr. Beck, you have been handed what's been  
11 marked as Plaintiff's Exhibit 893. This is an email  
12 from Geronald Bell to you, dated January 12, 2018,  
13 with the subject line: "GNETS Program Change  
14 Summary," and one attachment that is an Excel file,  
15 with the file name "GNETS Summary for Ted."

16 Do you recognize this email?

17 A Not specifically.

18 Q Do you have any reason to doubt that you  
19 received this email from Mr. Bell?

20 A I don't.

21 Q Who is Geronald Bell?

22 A Geronald was one of the staff members for  
23 the budget team and essentially became like the  
24 deputy director.

25 Q Did Mr. Bell have specific

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1 responsibilities relating to budget items for GNETS  
2 program?

3 A Not to GNETS specifically, but he did a  
4 good bit of our spreadsheeting work related to  
5 formulas and similar assignments.

6 Q In this email Mr. Bell says: "Please see  
7 attached. Let me know if you have any questions or  
8 need anything else."

9 Do see that?

10 A I do.

11 Q Did Mr. Bell provide the information in  
12 the attachment at your request?

13 A I don't recall.

14 Q Was the information compiled specifically  
15 for you?

16 A I don't recall.

17 Q But you do see that the file name of the  
18 attachment is "GNETS Summary for Ted"?

19 A I do.

20 Q Does that give you any indication as to  
21 whether that was prepared for you?

22 A It appears so.

23 Q Okay. I want to show you one more  
24 document.

25 MS. GARDNER: Which I'd like to have



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1 marked as Plaintiff's Exhibit 894.

2 (WHEREUPON, Plaintiff's Exhibit-894 was  
3 marked for identification.)

4 BY MS. GARDNER:

5 Q Plaintiff's Exhibit 894 is also an email  
6 from Geronald Bell to you, and it is dated January  
7 12, 2018, with the subject: "GNETS Program Change  
8 Summary.

9 It contains an attachment, the file name  
10 of which is "GNET Summary for Ted."

11 The Bates-stamp on this time is  
12 GA00285718.

13 Do you recognize this email?

14 A Not specifically.

15 Q Do you have any reason to doubt that Mr.  
16 Bell sent you this email?

17 A I don't.

18 MS. GARDNER: I'm sorry. I need to  
19 correct the Bates-stamp on this Plaintiff's  
20 Exhibit 894. It's actually GA00285720.

21 BY MS. GARDNER:

22 Q In this email Mr. Bell says: "Correction.  
23 Please use the attached version." Correct?

24 A I see that.

25 Q Do you agree that this is responsive to

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1 the same issue that we discussed in connection with  
2 the last email in Plaintiff's Exhibit 893?

3 A Yes.

4 Q So this is the correct version of the data  
5 that Mr. Bell was providing you?

6 A It appears so.

7 Q I'd like to show the spreadsheet  
8 attachment to this email electronically.

9 Can you see that document on the screen?

10 A I can.

11 Q This is the attachment to Plaintiff's  
12 Exhibit 894, was produced natively and has a Bates  
13 No. GA00285721.

14 What does this spreadsheet show?

15 A It appears to show the differences between  
16 the FY2018 and FY2019 allocations for the GNETS  
17 program.

18 Q And so in this spreadsheet, on the first  
19 line it shows the difference in student enrollment  
20 for the GNETS program between FY2018 and FY2019?

21 A It appears so.

22 Q And that showed a decrease of  
23 approximately 205 students?

24 A I see the same.

25 Q Are you familiar with the GNETS student

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1 count used for formula purposes being a rolling  
2 average?

3 A I don't specifically recall.

4 Q So you don't know specifically kind of how  
5 the mechanics of the GNETS student count worked?

6 A I don't.

7 Q This spreadsheet also shows the associated  
8 change in funding tied to student enrollment,  
9 correct?

10 A Yes.

11 Q And then beneath that it shows changing in  
12 funding for T&E across the two fiscal years?

13 A It appears to.

14 Q What is the line item for Behavioral and  
15 Therapeutic Services Contracts?

16 A I'm not sure.

17 Q This shows that in FY2018 there was an  
18 allocation of 1.2 million, and that does not appear  
19 in FY2019?

20 A That appears to be so.

21 Q Move over to the Detail Summary tab for  
22 this spreadsheet.

23 What is meant by the column "Earnings"?

24 A It appears to be the net result of each  
25 site's formula-based allocation.

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1 Q Given the number of students that's  
2 identified for that particular program?

3 A That would be my guess.

4 Q Am I correct that in some cases in this  
5 spreadsheet the student count at regional GNETS  
6 program stayed relatively constant but the  
7 associated program experienced a decrease in  
8 funding?

9 MR. PICO PRATS: Objection to form.

10 A There appears to be examples of several  
11 different outcomes.

12 Q So looking at the entry for Central  
13 Savannah River RESA, do you see that?

14 A I do.

15 Q Would you agree that the GNETS program's  
16 fiscal agent in Central Savannah River RESA served  
17 essentially the same number of students in FY2018  
18 and FY2019?

19 A Yes.

20 Q But that program experienced a loss of  
21 earnings, correct?

22 A It appears so.

23 Q How is it that student enrollment could  
24 technically increase but the program suffer a loss  
25 in earnings?

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1           A     I don't know without seeing the detail  
2 behind the formula calculations.

3           Q     And looking at the entry for Bibb County,  
4 am I correct that the GNETS program, whose fiscal  
5 agent is Bibb County, served about 14 fewer students  
6 in FY2019 than in FY2018, but experienced an  
7 increase in earnings of more than \$161,000?

8           A     It appears to have.

9           Q     And you can't explain the difference for  
10 that without the backup for the formula to tell?

11          A     I would be speculating otherwise.

12               MS. GARDNER: I'll ask the court reporter  
13 to mark this document as Plaintiff's Exhibit  
14 895.

15               (WHEREUPON, Plaintiff's Exhibit-895 was  
16 marked for identification.)

17 BY MS. GARDNER:

18          Q     You have been handed Plaintiff's Exhibit  
19 895. This is an email from you to Richard Woods,  
20 dated August 7, 2018, with the subject line:  
21 "Forward: GNETS funding."

22               The document is Bates-stamped GA00289072.  
23 Do you recognize this email?

24          A     Not specifically.

25          Q     Do you have any reason to doubt that you

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1 sent this email?

2 A No.

3 Q In your email you say: "fyi" and forward  
4 to Mr. Woods an email that you sent to Teresa  
5 MacCartney and Kerri Wilson the same day, correct?

6 A Yes.

7 Q Am I correct in understanding that  
8 MacCartney had reached out to you after being  
9 contacted by a Georgia State representative who was  
10 attempting to assist the fiscal agent for the  
11 regional GNETS program in his area with an issue  
12 related to GNETS funding?

13 A That appears to be so.

14 Q What was the issue related to GNETS  
15 funding that arose?

16 A It appears to be related to the entity to  
17 whom DOE was allocating site -- GNETS site funding  
18 for this specific entity.

19 So I think I would characterize it as  
20 changing the name of the individual or the entity  
21 receiving the funds in our system.

22 Q You eventually wrote back to MacCartney  
23 and said: "We are amending the GNETS allocation  
24 sheets for FY19 in this month's Board meeting and  
25 will be reassigning the fiscal agent for this GNETS

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1 facility from Lowndes County to Coastal Plains RESA.  
2 No allotments have found out yet for GNETS, so it  
3 will be a clean transfer of funding - easy fix."

4 Do you see that?

5 A I do.

6 Q So your understanding of the fix here was  
7 simply a transfer of the name of the fiscal agent  
8 for this particular GNETS program?

9 A That appears to be so.

10 Q Did you ever receive other inquiries like  
11 this from regional GNETS programs or fiscal agents  
12 raising concerns about sort of the complication of  
13 GNETS funding when there were changes in fiscal  
14 agents for GNETS programs?

15 A I can't recall another example.

16 MS. GARDNER: I'd like to ask the court  
17 reporter to mark this document as Plaintiff's  
18 Exhibit 896.

19 (WHEREUPON, Plaintiff's Exhibit-896 was  
20 marked for identification.)

21 BY MS. GARDNER:

22 Q You've been handed Plaintiff's Exhibit  
23 896. This is an email from you to Vickie Cleveland  
24 with a copy to Zelfhine Smith-Dixon, dated February  
25 19, 2019, with the subject "Forward: GNETS program

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1 Reconfiguration and budget Allocation Request for  
2 FY2020."

3 The email contains one attachment, and is  
4 Bates-stamped GA00094863.

5 Do recognize this email?

6 A I don't.

7 Q Do you have any reason to doubt that you  
8 sent this email?

9 A I don't.

10 Q In your email you say: "Can you help me  
11 respond to Dr. Williams? I'm not clear what she's  
12 asking."

13 Is that correct?

14 A Yes.

15 Q And who is Dr. Williams?

16 A It appears to be the superintendent for  
17 Thomas County schools.

18 Q Am I correct that prior to your email to  
19 Vickie Cleveland and Zelfhine Smith-Dixon that Dr.  
20 Williams had sent an email to you and Kelly Farr,  
21 saying: "I wanted to check back in to make sure our  
22 request of GNETS rolling average formula be adjusted  
23 to reflect students actually being served in each  
24 program, Pathways GNETS, Oak Tree GNETS, and  
25 Horizons GNETS, to remove the need to negotiate



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1 revenue sharing agreements among Thomas County  
2 School System, the Dougherty County School System,  
3 and Coastal Plains RESA. Please confirm if my  
4 request has been granted."

5 Have I read that correctly?

6 A Yes.

7 Q Is Kelly Farr someone in the Governor's  
8 Office of Planning and Budget?

9 A Yes. He is the director of the office.

10 Q Dr. Williams' message to you and Kelly  
11 Farr includes a forwarded email and an attachment,  
12 correct?

13 A It does.

14 Q And the attachment is a letter that Dr.  
15 Williams sent on January 2nd, 2019, to several  
16 individuals whom she collectively refers to as state  
17 leaders in her salutation; is that right?

18 A Yes.

19 Q Who are those state leaders to whom the  
20 letter was originally directed?

21 A It appears to be the State Superintendent  
22 Richard Woods; Ms. Cleveland, the GNETS program  
23 manager; Mr. Jon Cooper, the budget director at  
24 GaDOE; and Ms. Teresa MacCartney, who was the  
25 director of OPB at the time of the letter.

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1 MS. GARDNER: Just for the record, that  
2 letter attachment has a beginning Bates number  
3 of GA00094865.

4 Q Looking at the bottom of Page 2 of that  
5 letter, do you see the section captioned "Requested  
6 changes"?

7 A I do.

8 Q And am I correct Dr. Williams writes:  
9 "The GNETS program is funded through a rather  
10 complex rolling average formula that would take  
11 years to accurately reflect changes in service  
12 areas. The rolling average formula does not  
13 contemplate changes in service areas. As funding  
14 allocations for GNETS programs are made for Fiscal  
15 Year 2020, I request the formula be adjusted to  
16 reflect students actually being served to remove the  
17 need to negotiate revenue sharing agreements among  
18 the three programs."

19 A I see that.

20 Q Had you reviewed the contents of this  
21 letter at the time you reached out to Vickie  
22 Cleveland and Zelfhine Smith-Dixon to ask them to  
23 help you respond to Dr. Williams?

24 A I don't recall.

25 Q Did you eventually receive clarification

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1 from either of them as to what Dr. Williams was  
2 asking?

3 A I'm not sure.

4 Q Sitting here today, do you understood  
5 what Dr. Williams was asking?

6 A It appears to be a request to recognize  
7 point in time student populations as opposed to a  
8 rolling average, which may not account for a sudden  
9 shift in the service area or the number of students  
10 receiving services.

11 Q And in your understanding in this  
12 particular case, do you understand that Dr. Williams  
13 was concerned about that particularly because there  
14 had been a shift in service areas affecting the  
15 GNETS programs that she identifies in her email to  
16 you and Kelly Farr?

17 MR. PICO PRATS: Object --

18 A That's my --

19 MR. PICO PRATS: Object to form.

20 A Yes.

21 MS. GARDNER: I'm going to ask the court  
22 reporter to mark this document as Plaintiff's  
23 Exhibit 897.

24 (WHEREUPON, Plaintiff's Exhibit-897 was  
25 marked for identification.)

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1 BY MS. GARDNER:

2 Q You've been handed Plaintiff's Exhibit  
3 897, which is an email from you to Kelly Farr, dated  
4 February 20, 2019, with the subject "RE: GNETS  
5 Program Reconfiguration and Budget Allocation  
6 Request for FY 2020."

7 This document is Bates-stamped GA00291183.

8 Do you recognize this email?

9 A Not specifically.

10 Q Do you have any reason to doubt that you  
11 sent this email?

12 A No.

13 Q This email is related to the issue raised  
14 in the email thread that we just reviewed in  
15 Plaintiff's Exhibit 896, correct?

16 A Correct.

17 Q And here you tell Kelly Farr that you  
18 talked to Dr. Williams a couple of times now and,  
19 quote, "we're reviewing everything now to make sure  
20 it's all squared away."

21 Is that right?

22 A Yes.

23 Q What was the nature of the conversations  
24 you had with Dr. Williams about this funding issue?

25 A I don't recall.

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1 Q What were you reviewing to make sure that  
2 everything was all squared away?

3 A My guess would have been her source  
4 materials related to the issue that she raised and  
5 data that we had on hand.

6 Q Was the GNETS rolling average formula  
7 adjusted, as Dr. Williams requested in her February  
8 19, 2019 email?

9 A I don't remember.

10 Q As CFO, did you have any involvement in  
11 funding matters related to GNETS facilities?

12 A Not directly.

13 Q Did you have any indirect involvement?

14 A There was an allocation made in -- I don't  
15 recall which budget, related to physical site  
16 improvements, and from my recollection my team  
17 worked with the sites -- and I think we had a  
18 consultant as well that went out and evaluated them  
19 for potential improvements or other maintenance and  
20 developed a document that recommended essentially a  
21 triaged approach to addressing sites with the most  
22 needs as quickly as possible and outlining that to  
23 the folks that had made the funding, and then  
24 working with the individual RESA sites to get the  
25 actual construction projects in progress and

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1 providing the reimbursement funding for them.

2 Q When you say that there was a document  
3 developed that recommended a triaged approach, what  
4 do you mean by triaged approach?

5 A That it would have identified sites with  
6 the most need or the most pressing types of repairs.

7 Q What was done with the information sort of  
8 identifying in order of severity kind of GNETS  
9 facilities with facility needs?

10 A I don't recall specifically. I think it  
11 went back to -- if it was a State managed project,  
12 the Georgia State Financing Investment Committee, or  
13 commission, who would have been potentially the  
14 program or project manager to go out and help  
15 acquire the contractors, whoever else may have been  
16 working on the actual improvements and performing  
17 the actual site modifications.

18 Q What's the Georgia state financing  
19 improvement commission?

20 A It's an investment commission. It's the  
21 State's capital projects manager, and not every  
22 capital project goes through this process. I don't  
23 remember what differentiates between the two or if  
24 it's an option, but they have a construction  
25 division that specifically helps manage and

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1 administer capital projects on behalf of the State  
2 and essentially serves as the State agency's  
3 liaison. Whereas if they don't have that expertise  
4 on staff, they're managing it for them.

5 MS. GARDNER: I'd like to ask the court  
6 reporter to mark this document as Plaintiff's  
7 Exhibit 898.

8 (WHEREUPON, Plaintiff's Exhibit-898 was  
9 marked for identification.)

10 BY MS. GARDNER:

11 Q You've been handed Plaintiff's Exhibit  
12 898. This is an email from you to Michael Rowland,  
13 dated December 1, 2015, with the subject "RE: GNETS  
14 Update."

15 The document is Bates-stamped GA00277967.

16 Do you recognize this?

17 A Not specifically.

18 Q Do you have any reason to doubt that you  
19 sent this email?

20 A No.

21 Q Who is Michael Rowland?

22 A Mike was the director of the Facilities  
23 Team at the start of my tenure.

24 Q And starting with the earliest email in  
25 this thread, which Mr. Rowland sent to you on

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1 December 1st, 2015, with copies to Clara Keith,  
2 Deborah Gay, Emily Jones, Gregory Snapp, and John  
3 Jefferson, correct that in that email Mr. Rowland  
4 says: "Ted, I wanted to give you a quick update on  
5 the planning we have done for GNETS facilities. I  
6 have attached the meeting minutes from our meeting  
7 with John Jefferson at GSFIC, along with the  
8 facility condition assessment checklist we adopted  
9 from another system."

10 Do you see that?

11 A I do.

12 Q And he goes on to explain more about sort  
13 of the process of this facility assessment and where  
14 the team is in that process, correct?

15 A That appears to be so.

16 Q You then respond to Mr. Rowland and say:  
17 "You read my mind - was going to email you this  
18 morning to see if we had an update that I can  
19 include in our presentation to the Governor next  
20 week."

21 Do you see that?

22 A I do.

23 Q You reference "our presentation to the  
24 Governor next week." Who is "our"?

25 A Most likely would have been myself, Matt



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1 Jones, and the superintendent presenting to the  
2 Governor and other OPB staff in regards to the  
3 budget request.

4 Q And would you have been presenting on  
5 behalf of GaDOE?

6 A I would have been one of the presenters,  
7 yes.

8 Q And so then that was a form of  
9 presentation that you would have made on a periodic  
10 basis, sort of as each budget cycle approached?

11 A Yes. Typically, each -- I say each. A  
12 lot of the agency heads would have been invited to  
13 come have a presentation or a conversation with the  
14 Governor in regards to their budget request some  
15 time around that time of the calendar.

16 Q And you said that that presentation  
17 typically included you, Matt Jones, and the  
18 superintendent?

19 A Yes, for some years. And then in some  
20 years it was just Matt and the superintendent.

21 Q When you were present for those  
22 presentations, did you present portions of the  
23 presentation?

24 A Probably.

25 Q When you say probably, do you recall,

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1 sitting here today?

2 A I can think of at least a couple of times  
3 when I did and other instances I was just in the  
4 room answering questions.

5 Q Okay. And when you say that these  
6 presentations were to the Governor, does that  
7 literally mean to the Governor, or does that mean to  
8 the Governor's staff?

9 A Mostly -- it would have been the Governor  
10 and Governor staff and OPB staff.

11 MS. GARDNER: I would like to ask the  
12 court reporter to mark this document as  
13 Plaintiff's Exhibit 899.

14 (WHEREUPON, Plaintiff's Exhibit-899 was  
15 marked for identification.)

16 BY MS. GARDNER:

17 Q You have been handed Plaintiff's Exhibit  
18 899. This is an email from Michael Rowland to you  
19 with a copy to Nakeba Rahming, dated May 31st, 2016,  
20 with the subject "GNETS Update." And it includes  
21 two attachments.

22 The Bates-stamp on this document is  
23 GA00279624.

24 Do you recognize this?

25 A Not specifically.

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1 Q Do you have any reason to doubt that you  
2 received this email from Michael Rowland?

3 A I do not.

4 Q And am I correct the first attachment to  
5 this email is an Excel file with the file name "Copy  
6 of 2016-05-22 GNETS Fee Proposal"?

7 A Yes.

8 Q And then the second attachment is a Word  
9 document with the file name "Edited Planning Meeting  
10 Minutes 5.31.16"?

11 A Yes.

12 Q In this email Mr. Rowland says: "Ted,  
13 attached will you find a copy of the fee proposal to  
14 perform the facility condition assessments for the  
15 48 GNETS locations identified in the RFQ. 2WR was  
16 the most qualified firm, and the fee proposal they  
17 have submitted is in line with what I expected. I  
18 have also attached an update to my notes on how the  
19 planning and execution has evolved."

20 Do you see that?

21 A I do.

22 Q What was your role with respect to the fee  
23 proposal submitted by the firm 2WR?

24 A I don't recall specifically. It looks  
25 like I would have reviewed it.

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1 Q Did you sign off on the fee proposal?

2 A I don't remember. For us to have engaged  
3 them in work, we would have had to have a contract  
4 of some sort, is my assumption. So there should  
5 have been some sort of approval I provided to it at  
6 some point.

7 Q At the end of his email to you, Mr.  
8 Rowland says: "If you are ok with the fee proposal,  
9 then I am ready to have GSFIC negotiate the  
10 contracts necessary to meet 2WR's schedule."

11 Do you see that?

12 A I do.

13 Q So does that refresh your recollection as  
14 to whether you would have okayed the fee proposal?

15 A Probably would have relied almost  
16 exclusively on GSFIC to provide subject matter  
17 expertise there. I would have, I think, still have  
18 signed something at some point, but it would have  
19 been after GSFIC and the vendor concluded their  
20 negotiations.

21 Q And GSFIC here, just to be clear for the  
22 record, is the same as the Georgia State Finance and  
23 Investment Commission that you referenced earlier?

24 A That's correct.

25 Q And I believe you said earlier that

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1 sometimes GSFIC comes in and negotiates on behalf of  
2 state agencies when the level of expertise is such  
3 that it makes sense for GSFIC to do that?

4 A Yes.

5 Q Is that the reason why GSFIC would have  
6 been involved here?

7 A Yes.

8 Q Turning to the fee proposal, which is  
9 included, I'll note for the record that the file was  
10 provided natively, though it is reproduced here in  
11 paper, and it has a Bates stamp GA00279625.

12 Am I correct that this fee proposal  
13 outlines the various fees that 2WR proposed to  
14 charge for the work associated with the facility  
15 assessment?

16 A It appears so.

17 Q And the total fee for the 48 sites was  
18 just over half a million dollars; is that correct?

19 A Yes.

20 Q Did GaDOE ultimately work with 2WR to  
21 assess the GNETS facilities?

22 A I don't recall.

23 Q Looking at the second attachment, which  
24 has a beginning Bates number of GA00279626, are  
25 these the updated notes that Mr. Rowland references

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1 in his email to you?

2 A They appear to be.

3 Q Do these notes outline the steps that the  
4 State Board of Education and GaDOE plan to take in  
5 connection with the GNETS facilities assessment  
6 process?

7 A It appears so.

8 Q And for those steps that had been  
9 completed at the time that this was sent to you, the  
10 notes also indicate the date the step was completed?

11 A Yes.

12 Q I want to confirm that you understand the  
13 reference to SBE in these notes to mean State Board  
14 of Education?

15 A I believe so.

16 Q And do you understand the reference to DOE  
17 in these notes to mean the Georgia Department of  
18 Education?

19 A Yes.

20 Q Did the GNETS facilities assessment lead  
21 to any GNETS students being removed from facilities  
22 that were deemed unsuitable?

23 A I don't recall.

24 Q Did GaDOE receive questions from state  
25 legislators about the decision, any decisions,

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1 affecting GNETS facilities following the GNETS  
2 facility assessment?

3 A I don't recall.

4 MS. GARDNER: I'd like to have the court  
5 reporter mark this as Plaintiff's Exhibit 900.

6 (WHEREUPON, Plaintiff's Exhibit-900 was  
7 marked for identification.)

8 BY MS. GARDNER:

9 Q You have been handed Plaintiff's Exhibit  
10 900. This is an email from Matt Jones to Matt  
11 Cardoza and you, dated July 27, 2016, with the  
12 subject "Re: GNETS."

13 Do you recognize this email?

14 A Not specifically.

15 Q Do you have any reason to doubt that you  
16 received this email from Mr. Jones?

17 A No.

18 Q I want to start in the middle of this  
19 email thread, and if you look at the bottom of the  
20 first page, do you see that you received an email  
21 from Melody DeBussey on Wednesday, July 27, 2016, at  
22 2 o'clock p.m., with the subject "GNETS"?

23 A I do.

24 Q And in that email she says: "Ted, I  
25 worked with Nakeba over in the GNETS department to

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1 answer a Senator question regarding the impending  
2 closure of 9 facilities. From the FAQs, it appears  
3 the grant funding will not be re-allotted. Can you  
4 give me some background into why the grant  
5 allocations would not be re-allotted if no students  
6 would be served at those 9 facilities in this coming  
7 year?"

8 Do you see that?

9 A I do.

10 Q Who is Melody DeBussey?

11 A DeBussey. She was the director of the  
12 Senate Budget and Evaluation Office.

13 Q After receiving this email, you then  
14 reached out to Matt Jones and Matt Cardoza to  
15 confirm your understanding of the correct answer to  
16 Ms. DeBussey's question; is that correct?

17 A Yes.

18 Q And your understanding of the answer to  
19 that question was that "there are still GNETS  
20 students in those districts, so the allocations  
21 would not vary they just will not be housed in the  
22 nine physical facilities that were identified as  
23 deficient in our site review process," correct?

24 A Yes.

25 Q Does this refresh your recollection as to



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1 whether the facility assessment process led to  
2 students being no longer served in certain  
3 facilities, GNETS facilities, throughout the State?

4 A I still don't remember much about it, but  
5 it does appear to reference that.

6 Q You discussed that in your email to Matt  
7 Jones and Matt Cardoza, correct?

8 A Yes.

9 Q And both Mr. Jones and Mr. Cardoza confirm  
10 that they have the same understanding as you as to  
11 the correct answer to Ms. DeBussey's question?

12 A Yes.

13 MS. GARDNER: I'd like to have the court  
14 reporter mark this as Plaintiff's Exhibit 901.

15 (WHEREUPON, Plaintiff's Exhibit-901 was  
16 marked for identification.)

17 MS. GARDNER: And for Plaintiff's Exhibit  
18 900, for the record, the Bates number is  
19 GA00280189.

20 BY MS. GARDNER:

21 Q Mr. Beck, you've been handed Plaintiff's  
22 Exhibit 901. This is an email from you to Melody  
23 DeBussey, dated July 27, 2016, with a copy to  
24 Natalie Quaranto, Jon Cooper, and Geronald Bell.  
25 The subject is "RE: GNETS."

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1 And the Bates number on this document is  
2 GA00280192.

3 Do you recognize this email?

4 A Not specifically.

5 Q Do you have any reason to doubt that you  
6 sent this email?

7 A I do not.

8 Q Am I correct this is your response to Ms.  
9 DeBussey providing the answer to the question that  
10 we looked at in Plaintiff's Exhibit 900 and that you  
11 confirmed the answer to with Mr. Jones and Mr.  
12 Cardoza?

13 A It appears so.

14 Q You say in the first sentence in your  
15 email: "The GNETS allocation is based on student  
16 count - the expectation is that the students will  
17 still be served via their representative regional  
18 sites (I believe the allocation is made at the RESA  
19 level, geographically speaking), but simply not in  
20 those facilities that were identified as  
21 substandard."

22 Have I read that correctly?

23 A Yes.

24 Q When you said you believe the allocation  
25 is made at the RESA level geographically speaking,

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1 what did you mean by that?

2 A I don't recall. I don't know.

3 Q Who is Natalie Quaranto?

4 A She was one of Melody's staff members who  
5 worked on the Education Division.

6 MS. GARDNER: I have two more documents  
7 and then we can break for lunch.

8 THE WITNESS: Okay.

9 MS. GARDNER: I'll have the court reporter  
10 mark this as Plaintiff's Exhibit 902.

11 (WHEREUPON, Plaintiff's Exhibit-902 was  
12 marked for identification.)

13 BY MS. GARDNER:

14 Q You have been handed Plaintiff's Exhibit  
15 902. This is an email from Michael Rowland to  
16 Nakeba Rahming, with a copy to Clara Keith, Pat  
17 Schofill, Mike Royal, and you.

18 The email is dated August 10, 2016, with  
19 the subject "Burwell GNETS-Carrollton."

20 The Bates-stamp on this document is  
21 GA00280331.

22 Do you recognize this email?

23 A Not specifically.

24 Q Do you have any reason to doubt that you  
25 received it?

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1 A I do not.

2 Q In this email Mr. Rowland says, and this  
3 is directed to Ms. Rahming: "As you know, the  
4 Carrollton GNETS site has proposed a new facility  
5 for their program contingent on details being worked  
6 out with the City of Carrollton Orthopaedic. John  
7 Ramage, our facilities consultant for West Georgia,  
8 conducted a physical inspection of the facility  
9 today and has recommended it for approval as a GNETS  
10 site. I am expecting an email from him later today  
11 confirming this recommendation. In the meantime, I  
12 have directed John to give GNETS a verbal proper  
13 approval to move forward with their relocation  
14 plan."

15 Do you see that?

16 A I do.

17 Q Were you typically copied on  
18 correspondence about the relocation of GNETS  
19 programs that were previously in facilities deemed  
20 unsuitable?

21 A If Mike was communicating that, then my  
22 guess is he probably copied me, yes.

23 Q And what would have been the purpose of  
24 the copy to you?

25 A I think just to inform me as his -- as one

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1 of my direct reports.

2 Q So Mr. Rowland was one of your direct  
3 reports at this time?

4 A Yes.

5 Q Did you take any action related to Burwell  
6 after receiving this email?

7 A Any action as --

8 Q Did you take any action after receiving  
9 this email with respect to the Burwell GNETS site?

10 A No, none that I can recall.

11 Q Clara Keith is also copied on this email.  
12 Do you see that?

13 A I do.

14 Q Who is Clara Keith?

15 A From what I recall, she was working as the  
16 director for maybe Federal Programs towards the  
17 start of my tenure with DOE.

18 Q And at the time of this email, was she  
19 still working in that capacity?

20 A I would assume so.

21 Q What was Ms. Keith's role with respect to  
22 the facilities issues that are discussed in this  
23 email?

24 A I don't recall specifically, but I believe  
25 she was Nakeba's boss.

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1 Q Nakeba's boss, you said?

2 A Yeah.

3 Q Mike Royal is also copied on this email.

4 Do you see that?

5 A I do.

6 Q And what was Mike Royal's role?

7 A Mike is a Board member.

8 Q And what was his role with respect to the  
9 facility assessment issues?

10 A I don't believe he had a specific role.  
11 May have just asked to -- been informed as to any  
12 updates with the facility improvement plan.

13 Q In addition to facilities where GNETS  
14 students could no longer be served because the  
15 condition of the facility was unsuitable, do you  
16 recall there also being a process by which GNETS  
17 programs and their fiscal agents could seek state  
18 funding to conduct renovations designed to address  
19 issues that were identified through the GNETS  
20 facilities assessment process?

21 A I don't recall.

22 MS. GARDNER: I'd like to ask the court  
23 reporter to mark this as Plaintiff's Exhibit  
24 903.

25 (WHEREUPON, Plaintiff's Exhibit-903 was

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1 marked for identification.)

2 BY MS. GARDNER:

3 Q You've been handed Plaintiff's Exhibit  
4 903. This is an email from you to Pat Schofill,  
5 with a copy to Michael Rowland, dated July 11, 2017,  
6 with the subject "Re: GNETS Funding Applications."

7 And this document is Bates-stamped

8 GA00284214

9 Do you recognize this?

10 A Not specifically.

11 Q Do you have any reason to doubt that you  
12 sent this email?

13 A I don't.

14 Q Who is Pat Schofill?

15 A Pat became the director after Mike Rowland  
16 semi-retired and stepped down to work as essentially  
17 kind of a part-time consulting capacity. So he  
18 became my new direct report for this area.

19 Q The first-in-time email in this thread,  
20 which is the email that appears at the bottom page,  
21 is an email from Pat Schofill to you with a copy to  
22 Michael Rowland, in which he says: "Ted, our GNETS  
23 application evaluation team met yesterday. We  
24 reviewed the fifteen applications that were  
25 submitted. A rubric was used to score the

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1 applications and evaluate the requested eligible  
2 need. All systems but two were granted a portion of  
3 the requested amount. Mike plans to be back in the  
4 office on Thursday, if you would like to meet to  
5 discuss any details."

6 Do you see that?

7 A I do.

8 Q What are the applications that Mr.  
9 Schofill is referring to?

10 A I believe this is referring to some grant  
11 or fund that was made available to the GNETS sites  
12 to address some of the deficiencies identified in  
13 the site review.

14 Q You then reply to Mr. Schofill's email by  
15 saying: "Let's plan to meet sometime Thursday to  
16 review."

17 Do you see that?

18 A I do.

19 Q What prompted you to say that the group  
20 should meet to review those applications?

21 A I don't recall specifically. My guess is  
22 I was just interested in being more informed as to  
23 what the process and scoring rubric looked like.

24 Q And did you in fact meet with Mr. Schofill  
25 and Mr. Rowland about the GNETS facilities



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1 applications?

2 A I don't remember.

3 Q Did you play any role with respect to  
4 determining the funding awarded to applicants  
5 seeking funding to improve those GNETS facilities?

6 A No.

7 Q So your only role would be just to be  
8 informed by the folks who were your direct reports?

9 A Yes.

10 MS. GARDNER: All right. I think we can  
11 take a break for lunch.

12 THE VIDEOGRAPHER: The time is 12:59 p.m.  
13 and we are off the record.

14 (A luncheon recess was taken.)

15 THE VIDEOGRAPHER: The time is 1:47 p.m.,  
16 and we are back on the record.

17 BY MS. GARDNER:

18 Q Welcome back.

19 A Thank you.

20 MS. GARDNER: I'm going to ask the court  
21 reporter to please mark this document as  
22 Plaintiff's Exhibit 904.

23 (WHEREUPON, Plaintiff's Exhibit-904 was  
24 marked for identification.)

25 BY MS. GARDNER:

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1 Q Mr. Beck, you've been handed Plaintiff's  
2 Exhibit 904. This is an email from you to Dave  
3 Lakly, dated February 22nd, 2016, with the subject  
4 "RE: GNETS Program Manager."

5 The document is Bates-stamped GA00278665.  
6 Do you recognize this email?

7 A Not specifically.

8 Q Do you have any reason to doubt that you  
9 sent this email?

10 A I do not.

11 Q Who is Dave Lakly?

12 A Dave would have been one of the staff  
13 members at the Senate Budget and Evaluation Office.

14 Q During your time as CFO at GaDOE, were you  
15 accustomed to receiving emails directly from him?

16 A Sure, yes.

17 Q And what kinds of things would he email  
18 you about?

19 A Things in relation to the budget, through  
20 the budget development process, just like any of the  
21 other SBOE staff members.

22 Q In this email thread Dave Lakly sent you  
23 an email on February 19, 2016. Is that correct?

24 A Yes.

25 Q And is it also correct that in that email

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1 he says: "When you have a minute, could you send me  
2 a brief (sentence or two) summary of what that new  
3 statewide program manager position does"?

4 A Yes.

5 Q Did you understand the new statewide  
6 program manager position he referred to to be the  
7 statewide program manager for the GNETS program?

8 A I did.

9 Q And the subject of his email is "GNETS  
10 Program Manager," correct?

11 A Correct.

12 Q You responded to him; is that right?

13 A I did.

14 Q And among other things, you say "her  
15 primary role is to act as the program manager."

16 Do you see that?

17 A I do.

18 Q And is it correct that you go on to say  
19 "She'll be acting as the coordinator for the 20+  
20 sites, and working to implement our policies and  
21 procedures with more standardization across each  
22 location"?

23 A It does.

24 Q And then you also go on to say: "Her  
25 foremost task at the moment is to continue working

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1 to implement our improvement plan, which has been in  
2 existence for some time, and covers a lot of ground,  
3 all of which is much needed and should demonstrate  
4 so immediate results." Correct?

5 A Correct.

6 Q This reference to demonstrating immediate  
7 results, is that intended to say demonstrate some  
8 immediate results?

9 A That's my assumption.

10 Q You reference an improvement plan in  
11 saying that the GNETS program manager's "foremost  
12 task at the moment is to continue working to  
13 implement our improvement plan."

14 What improvement plan were you referring  
15 to?

16 A I don't remember. My guess is that it's  
17 related to the facilities improvement plan.

18 Q You note the improvement plan had been in  
19 existence for some time. When did you understand  
20 that improvement plan to initially come into  
21 existence?

22 A I don't recall.

23 Q Is it fair to say, based on your email,  
24 that plan would have predated this February 2016  
25 email?

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1 A Yes.

2 Q How did you become aware of the  
3 improvement plan?

4 A I don't recall.

5 Q Is it correct that at the time you sent  
6 this reply, Nakeba Rahming was the program manager  
7 for GNETS?

8 A I believe that's correct.

9 MS. GARDNER: I'd like to have the court  
10 reporter mark this document as Plaintiff's  
11 Exhibit 905.

12 (WHEREUPON, Plaintiff's Exhibit-905 was  
13 marked for identification.)

14 BY MS. GARDNER:

15 Q You've been handed Plaintiff's Exhibit  
16 905. This is an email from you to Jon Cooper, dated  
17 June 14, 2016, with the subject "RE: AOB Questions."

18 The document has a Bates stamp of  
19 GA00279686.

20 Do you recognize this email?

21 A Not specifically.

22 Q Do you have any reason to doubt that you  
23 sent this email?

24 A No.

25 Q What does the AOB in the subject line

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1 stand for?

2 A Annual operating budget.

3 Q And what is the annual operating budget?

4 A It's the data set that reflects our  
5 implementation of the appropriations act. So  
6 entering in these allocations into the budget system  
7 we shared with the rest of the State.

8 Q In your email you say to Mr. Cooper:  
9 "Thanks for working with him on these. Will let you  
10 know where I get on the merit pay plan, and will  
11 follow up with him and Lee."

12 Correct?

13 A Yes.

14 Q By "working with him on these," were you  
15 referring to Mr. Cooper working with Keith Kim on  
16 answers to certain questions that Mr. Kim had sent?

17 A It appears so.

18 Q And am I correct that Keith Kim was a  
19 policy analyst in the Education Division of the  
20 Governor's Office of Planning and Budget?

21 A Yes.

22 Q Had you worked with Mr. Kim when you  
23 previously were employed by the -- by OPB?

24 A No.

25 Q And correct that Mr. Kim's original email

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1 forwarding the questions that he wanted answered

2 says that the questions are about FY17 AOB?

3 A Yes.

4 Q Mr. Cooper sent an email in this thread  
5 responding to Mr. Kim's questions, correct?

6 A Yes.

7 Q And then you sent your email thanking Mr.  
8 Cooper for doing so?

9 A Yes.

10 Q What were you referring to when you noted  
11 that you would let Mr. Cooper know where you got on  
12 the merit pay plan?

13 A I don't specifically recall. My guess is  
14 that I was trying to understand from somebody on the  
15 GNETS side why the sub-level applications were made  
16 in the way that it's described in the email.

17 Q When you say "in the way it's described in  
18 the email," which portion of the email are you  
19 referring to?

20 A Mr. Kim's question under the GNETS section  
21 about where the merit pay increases had been loaded  
22 in the budget.

23 Q And for the record, the question that Mr.  
24 Kim sent about GNETS says: "Is there a reason why  
25 merit pay increases are put into grants and benefits

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1 and not personal services?" Correct?

2 A Correct.

3 Q What was the answer that Mr. Cooper  
4 provided to that question?

5 A He wrote: "The funds placed in personal  
6 services are for a manager position the Governor  
7 placed into the program in FY16."

8 Q In general, what does the category  
9 "personal services" refer to?

10 A These are accounting codes that are used  
11 to group different planned expenditures, and those  
12 would have been all dedicated to funds that go to  
13 staff for salary and benefits.

14 Q So personal services would be the category  
15 that is dedicated to funds for staff and salary  
16 benefits?

17 A Correct.

18 Q This says -- refers to a manager position  
19 the Governor placed into the program in FY16. Is  
20 that a reference to a recommendation by the Governor  
21 writing funding in for that position, or something  
22 else?

23 A Yes, I think it's a reference to a  
24 recommendation for funding.

25 Q And presumably that recommendation was



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1 approved?

2 A I assume so.

3 MS. GARDNER: I'd like to ask the court  
4 reporter to mark this document as Plaintiff's  
5 Exhibit 906.

6 (WHEREUPON, Plaintiff's Exhibit-906 was  
7 marked for identification.)

8 BY MS. GARDNER:

9 Q You've been handed Plaintiff's Exhibit  
10 906. This is an email from you to Larry Winter,  
11 sent on September 28, 2017, with the subject  
12 "Forward: Item Requested by Mr. Winter in Budget  
13 Committee Meeting."

14 The email contains one attachment that is  
15 a PDF document with the file name "Reimbursement for  
16 therapeutic Counseling Services for GNETS Fiscal  
17 Agent."

18 The Bates stamp on this document is  
19 GA00284672.

20 Do you recognize this email?

21 A Not specifically.

22 Q Do you have any reason to doubt that you  
23 sent this email to Mr. Winter?

24 A I do not.

25 Q Your email to Mr. Winter does not contain

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1 any written message, correct?

2 A Correct.

3 Q The email simply forwards a separate email  
4 that Ms. Rahming sent to you with a copy to Matt  
5 Jones on September 27, 2017?

6 A Correct.

7 Q And in Ms. Rahming's email she says to you  
8 "Hi, Ted, The attached document addresses Mr.  
9 Winter's question related to the allocations for the  
10 therapeutic services board item."

11 Do you see that?

12 A I do.

13 Q Ms. Rahming goes on to say farther down  
14 that Mr. Winter's recommendation was that  
15 information be added as an "attachment to the board  
16 item to ensure that the names of the fiscal agents,  
17 GNETS, and the reimbursable amounts are  
18 transparent." Correct?

19 A Correct.

20 Q Am I also correct the attachment to this  
21 email relates to those circumstances where there is  
22 some sort of a therapeutic provider contracted to  
23 provide therapeutic services to GNETS fiscal agents?

24 A That appears to be so.

25 Q Is it your understanding that those are

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1 contracts that were funded by the Georgia Department  
2 of Education?

3 A I don't recall.

4 Q Turning to the attachment, which is  
5 Bates-stamped GA00284673, the title of this document  
6 is "Georgia Department of Education FY 18 -  
7 Therapeutic Services Reimbursement for GNETS Fiscal  
8 Agents." Correct?

9 A Correct.

10 Q Does that indicate the Georgia Department  
11 of Education was reimbursing therapeutic services  
12 for fiscal agents?

13 A It appears to be.

14 Q And this attachment lists each of the  
15 fiscal agents, the name of the GNETS program that  
16 they are affiliated with, and the maximum amount of  
17 the reimbursable amount for therapeutic services,  
18 correct?

19 A It appears so.

20 Q Is this an example of one of the kinds of  
21 follow-up questions that the Budget and Finance  
22 Committee would have requested of GaDOE, and in this  
23 case in particular the GNETS program?

24 A It is.

25 Q Given the timing of this email, is it your

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1 expectation that this would have happened as part of  
2 the traditional review of the upcoming budget, or  
3 would this have been some sort of separate question  
4 from the Budget and Finance Committee?

5 A It looks like it was probably related to a  
6 normal subcommittee meeting and not budget  
7 development or anything related to that cycle.

8 Q I have a couple of clean-up questions from  
9 this morning.

10 We talked a bit about the State Board of  
11 Education's Budget and Finance Committee's  
12 traditional review of the upcoming annual GaDOE  
13 budget. Do you recall that discussion?

14 A I do.

15 Q And we looked at examples of several  
16 questions that were asked during the course of that  
17 traditional review with respect to the GNETS  
18 program, correct?

19 A Correct.

20 Q And so, for example, there was one  
21 follow-up question that related to the adequacy of  
22 therapeutic services within the GNETS program,  
23 right?

24 A Yes.

25 Q During your time as CFO, was there any

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1 process at GaDOE by which someone sort of did, you  
2 know, kind of a quality check to determine whether  
3 the final GaDOE budget request reflected areas where  
4 there may have needed to be something addressed that  
5 would have been illuminated by the kinds of  
6 questions that the Budget and Finance Subcommittee  
7 might have asked during the traditional review?

8 MR. PICO PRATS: Objection to form.

9 A I'm not quite sure I understand the  
10 question.

11 Q Sure. So, for example, after the Budget  
12 and Finance Committee asks about the adequacy of  
13 therapeutic services in GNETS programs, if the  
14 answer to that had been that there were not adequate  
15 therapeutic services in the GNETS program, was there  
16 any sort of process or check system in existence at  
17 GaDOE to determine whether the resulting budget  
18 request would have included, you know, additional  
19 requests for funds to supplement and provide  
20 therapeutic services that may not have been  
21 adequate?

22 MR. PICO PRATS: Objection to form.

23 A Not that I can think of.

24 Q We also talked about a number of the  
25 formulas that the Department of Education uses in

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1 setting allocations, correct?

2 A Correct.

3 Q And we looked specifically at the formula  
4 spreadsheet for GNETS program, correct?

5 A Yes.

6 Q And the email that that was attached to  
7 included formula spreadsheets for other areas of the  
8 Georgia Department of Education, correct?

9 A It did.

10 Q Is it fair to say that as CFO it would  
11 have been folks on your budget staff who would sort  
12 of be primarily responsible for the nuts and bolts  
13 of dealing with those spreadsheets and making the  
14 calculations and understanding sort of the fine  
15 details about how the calculations work?

16 A Yes.

17 Q Who specifically on your staff would have  
18 been involved in those sorts of nuts and bolts when  
19 you were CFO?

20 A Most likely Jon Cooper and Geronald Bell.

21 MS. GARDNER: I'd like to have the court  
22 reporter mark this document as Plaintiff's  
23 Exhibit 907.

24 (WHEREUPON, Plaintiff's Exhibit-907 was  
25 marked for identification.)

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1 BY MS. GARDNER:

2 Q You've been handed Plaintiff's Exhibit  
3 907. This is an email from Garry McGiboney to you  
4 dated September 26, 2017, with the subject "Forward:  
5 Update to Board Item," and one attachment, which is  
6 a Word document with the file name "SBOE Item  
7 Template-Contract New - Nakeba2."

8 The Bates stamp on this document is  
9 GA00284657.

10 Do you recognize this email?

11 A Not specifically.

12 Q Do you have any reason to doubt that you  
13 received this email?

14 A No.

15 Q In this email am I correct that Mr.  
16 McGiboney forwards to you an email that he received  
17 from Allan Meyer and says to you FYI?

18 A Correct.

19 Q And the forwarded email that Mr. McGiboney  
20 sends, Allan Meyer had sent that email not only to  
21 Mr. McGiboney but also Nakeba Rahming and Reggie  
22 Lampkin, correct?

23 A Correct.

24 Q Who is Reggie Lampkin?

25 A Reggie was our procurement lawyer.

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1 Q Procurement?

2 A Lawyer.

3 Q Lawyer?

4 A Yes. Counsel.

5 Q In Mr. Meyer's email, he says: "Nakeba  
6 was asked by FBO to update the budget item for the  
7 September board meeting. I am assisting her with  
8 changes. She will need approval from Matt Jones to  
9 update eBoard with the recommended changes. This  
10 update concerns item number 7 under the budget items  
11 which needs to be updated for the Committee of the  
12 Whole agenda as follows."

13 And then there's some additional  
14 information that follows, correct?

15 A Correct.

16 Q What is FBO?

17 A I believe that was the acronym for that  
18 subcommittee. Maybe Finance and Business  
19 Operations.

20 Q So FBO -- FBO is the subcommittee of the  
21 State Board of Education that we've been referring  
22 to in this discussion as the Finance and Budget  
23 Committee?

24 A I think so.

25 Q What is eBoard?



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1           A       EBoard was a system that tracked anything  
2 going to the Board for vote, agenda management,  
3 meeting announcements. A public facing side for  
4 folks to look at and either view board materials or  
5 the meeting itself.

6           Q       And would GaDOE upload into some sort of  
7 electronic system, that is eBoard, the budget items  
8 it wanted to the State Board of Education to review?

9           A       Yes, I believe it was our system of record  
10 for their actions.

11          Q       And listing the ways the item that  
12 Mr. Meyer discussed needs to be updated, Mr. Meyer  
13 says: "Update the 'Board Item' document to use the  
14 'New Contract' template on eBoard." correct?

15          A       Correct.

16          Q       And Mr. Meyer also says: "Change the  
17 purchasing process from Sole Source to Exempt as a  
18 Learning Resource." Is that right?

19          A       Yes.

20          Q       What is the Sole Source purchasing  
21 process?

22          A       In general, it would refer to an instance  
23 in which the State is acquiring a service without  
24 going through a competitive bid.

25          Q       Does Sole Source mean that it doesn't need

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1 to be competitively bid because there's only one  
2 place to obtain the item?

3 A In general, that's the justification.

4 Q What does "Exempt as a Learning Resource"  
5 mean?

6 A There are several categories in state law  
7 for procurement that are exempt from typical  
8 competitive bid processes. I believe Learning  
9 Resources was one of these exempted categories.

10 Q And so am I correct in understanding that  
11 the Board item at issue here had been identified as  
12 a Sole Source purchase and there was some  
13 determination made that it needed to be instead  
14 identified as Exempt as a Learning Resource?

15 A That appears to be the case.

16 Q Does the document that Mr. McGiboney  
17 attaches in his email to you contain updates that  
18 Ms. Rahming was asked to make?

19 A It appears to.

20 Q So, for the record, the attachment has a  
21 beginning Bates number of GA00284659.

22 Is this attachment the New Contract  
23 template that Ms. Rahming was asked to use?

24 A Yes.

25 Q And what is the purpose of a New Contract

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1 template?

2 A To receive approval from the Board of  
3 Education to enter into a contract with a specified  
4 vendor that we had not done business before.

5 Q And this New Contract template contains  
6 information about the contract that GaDOE proposes  
7 to enter into, correct?

8 A Correct.

9 Q And is the idea that the State Board of  
10 Education would then review the information provided  
11 to determine whether approval should be granted or  
12 not?

13 A Correct.

14 Q Correct that in this particular attachment  
15 the proposal is to enter into a contract with Jigsaw  
16 Learning, LLC, TeachTown, at a cost not to exceed  
17 \$125,000 in state funds?

18 A Yes.

19 Q And that contract was for training GNETS  
20 teachers and paraprofessionals on how to support  
21 students diagnosed with autism spectrum disorder?

22 A It appears so.

23 Q In the performance section on the second  
24 page, there is a section that says, "Describe how  
25 the contract will be monitored to ensure goods and

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1 services are provided in a satisfactory manner."

2 Correct?

3 A Yes.

4 Q And am I correct in that section it says:  
5 "The GNETS state director will monitor the following  
6 deliverables: Quality of training, participation  
7 and completion rates, and access to resources"?

8 A Correct.

9 MS. GARDNER: I'd like the court reporter  
10 to mark this document as Plaintiff's Exhibit  
11 908.

12 (WHEREUPON, Plaintiff's Exhibit-908 was  
13 marked for identification.)

14 BY MS. GARDNER:

15 Q You've been handed Plaintiff's Exhibit  
16 908. This is an email from you to Nakeba Rahming,  
17 dated September 27, 2017, with the subject: "Budget  
18 Committee questions."

19 This document is Bates-stamped GA00284668.

20 Do you recognize this email?

21 A Not specifically.

22 Q Do you have any reason to doubt you sent  
23 this email to Ms. Rahming?

24 A No.

25 Q You sent this email the day after the

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1 email that we just reviewed containing the New  
2 Contract template, correct?

3 A Yes.

4 Q And in this email you say: "The Committee  
5 is going to ask the following on your items."

6 And you list several questions, correct?

7 A Correct.

8 Q Is your reference to the committee here  
9 the Budget and Finance Committee, or FBO?

10 A Yes.

11 Q And when you say "your items," are you  
12 referring to the State Board of Education agenda  
13 items that Ms. Rahming had proposed in connection  
14 with the GNETS program?

15 A Yes.

16 Q Item No. 7 is the same item involving a  
17 New Contract template we just looked at in  
18 Plaintiff's Exhibit 907, correct?

19 A Correct.

20 Q You tell Ms. Rahming that the committee  
21 will want to know why GaDOE selected that vendor,  
22 which is Jigsaw; is that right?

23 A Yes.

24 Q How did you learn that the committee would  
25 ask this question?

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1           A       Typically, one or two of the members of  
2       the Committee would meet with me the morning of to  
3       go over the materials that had been provided to them  
4       in advance of the agenda and board items, and they  
5       would have a list of questions. I would facilitate  
6       and answer as many as I could. And for ones in  
7       which I didn't have response, I would reach out to  
8       whoever was presenting the item to get that  
9       information to relay back to the Committee.

10          Q       Did the State Board of Education  
11       ultimately approve the proposal to enter into this  
12       New Contract with Jigsaw?

13          A       I don't remember.

14               MS. GARDNER: I'd like to have the court  
15       reporter mark this document as Plaintiff's  
16       Exhibit 909.

17               (WHEREUPON, Plaintiff's Exhibit-909 was  
18       marked for identification.)

19       BY MS. GARDNER:

20          Q       You have been handed Plaintiff's Exhibit  
21       909. This is an email from Miriam Caldwell to  
22       Nakeba Rahming, sent on November 8, 2017. The  
23       subject is "signed," and there's one attachment to  
24       the email, which is a PDF with the file name "signed  
25       contract 23159 Jigsaw Learning."

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1 This document is Bates-stamped GA01941763.

2 Do you know who Miriam Caldwell is?

3 A Miriam worked in our procurements section  
4 as our paralegal.

5 Q And did Ms. Caldwell have responsibilities  
6 relating to maintaining signed contracts or  
7 processing signed contracts in any way?

8 A Yes. Both.

9 Q What specifically were her roles with  
10 respect to signed contracts?

11 A She would manage the approval process,  
12 signatures, workflow routing, getting information  
13 back from the owner of the contract on the  
14 programmatic side, working with counsel to negotiate  
15 through anything that needed to be done to the  
16 document itself, storing and maintaining.

17 Q When you say "working with counsel to  
18 negotiate through anything that needed to be done to  
19 the document itself," are you referring to GaDOE's  
20 counsel?

21 A Yes. Our procurements attorney.

22 Q And who was that person?

23 A Reggie Lampkin.

24 Q Was Mr. Lampkin in-house with GaDOE, or is  
25 he an external attorney?

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1 A He was in-house.

2 Q Turning to the attached contract, which  
3 begins with Bates No. GA0 1941764, correct that this  
4 is a contract that GaDOE entered into with  
5 TeachTown?

6 A It appears to be.

7 Q And if you turn to the page that ends --  
8 the last four digits are 1771.

9 Am I correct that you signed this contract  
10 on behalf of GaDOE on September 29, 2017?

11 A Yes.

12 Q Is this the same contract referencing item  
13 No. 7 that we just reviewed?

14 A I believe so.

15 MS. GARDNER: I'd like to have the court  
16 reporter mark this document as Plaintiff's  
17 Exhibit 910.

18 (WHEREUPON, Plaintiff's Exhibit-910 was  
19 marked for identification.)

20 BY MS. GARDNER:

21 Q You've been handed Plaintiff's Exhibit  
22 910. This is an email from Nakeba Rahming to Manny  
23 Ferrer, sent November 28, 2017. The subject is "ABA  
24 Pro signed contract," and there's one attachment to  
25 the email, which is a PDF with the file name "ABA



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1 Pro signed Contract."

2 The Bates number on this time is  
3 GA01944379.

4 Turning to the attachment, which begins  
5 with the Bates-stamp GA01944380, is this another  
6 contract between TeachTown and GaDOE?

7 A It appears to be.

8 Q And you also signed this contract on  
9 behalf of GaDOE; is that correct?

10 A Yes.

11 Q So on the page with the numbers ending in  
12 4387 your signature appears, and it indicates you  
13 signed this contract on October 12, 2017, correct?

14 A Yes.

15 Q This contract also relates to the GNETS  
16 program, correct?

17 A It appears to be.

18 MS. GARDNER: I'd like for the court  
19 reporter to mark this document as Plaintiff's  
20 Exhibit 911.

21 (WHEREUPON, Plaintiff's Exhibit-911 was  
22 marked for identification.)

23 BY MS. GARDNER:

24 Q You've been handed Plaintiff's Exhibit  
25 911. This is an email from Geronald Bell to Kerri

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1 Wilson, and Emily Jones, with a copy to you. The  
2 subject is "Forward: GNETS support budget."

3 And there are two attachments, an Excel  
4 file with the file name "GNETS Support Budget," and  
5 a PDF with the file name "GNETS Grant for  
6 Supplemental Instruction."

7 The Bates-stamp on this document is  
8 GA00285726.

9 Do you recognize this email?

10 A Not specifically.

11 Q Do you have any reason to doubt that you  
12 received this email?

13 A No.

14 Q In this email Mr. Bell says: "Please see  
15 attached also for further information about the  
16 contract funding in GNETS program budget." Correct?

17 A Correct.

18 Q And this is being provided to The  
19 Governor's Office of Planning and Budget, correct?

20 A Yes.

21 Q And it appears from this email thread that  
22 the information was initially supplied by Nakeba  
23 Rahming, who's the GNETS program manager, correct?

24 A Correct.

25 Q I want to take a look at the second

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1 attachment, which has a beginning Bates number of  
2 GA00285728.

3 Do you see that?

4 A I do.

5 Q This is another item for State Board of  
6 Education approval, correct?

7 A Correct.

8 Q This particular item for approval has the  
9 caption "Grant" at the top. This appears where New  
10 Contract appeared in the prior state board item,  
11 correct?

12 A Correct.

13 Q And so what is -- what is the difference  
14 between a Grant State Board item and a New Contract  
15 State Board item?

16 A Contract would typically be in reference  
17 to that arrangement between DOE and whatever entity  
18 we were doing business with.

19 Grant would refer to an allocation of  
20 funds managed by the department to some array of  
21 recipients.

22 Q So if the item name for this particular  
23 Board item says "FP - Grant - GNETS Grant for  
24 Supplemental Instruction," is that a grant that was  
25 being provided to GNETS, the regional GNETS programs

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1 for supplemental instruction?

2 A It appears to be.

3 Q And in the sort of narrative  
4 Recommendation, correct that it says: "It is  
5 recommended that the State Board of Education  
6 authorize the State School Superintendent to award a  
7 grant to 24 Georgia Network for Educational and  
8 Therapeutic Support (GNETS) fiscal agents at a cost  
9 not to exceed \$137,376.00 in State Funds, for the  
10 purpose of providing teachers with diagnostic data  
11 and instructional materials that will be used to  
12 enhance and remediate identified academic strengths  
13 and weaknesses of students served by GNETS"?

14 A It does.

15 Q There's a section on this item for State  
16 Board of Education approval under Performance that  
17 says: "Describe how the grant will be monitored to  
18 ensure satisfactory performance." Is that right?

19 A Yes.

20 Q Is it correct it says there that "GaDOE  
21 conducts annual monitoring GNETS to assess the  
22 fidelity of implementation with the GNETS strategic  
23 plan"?

24 A It does.

25 Q What is the GNETS Strategic Plan?

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1 A I don't know.

2 Q You said earlier that this attachment was  
3 provided to OPB, correct?

4 A Yes.

5 Q Would this have been forwarded to OPB  
6 after the item was put before the State Board of  
7 Education?

8 A That's my guess, but I don't know for  
9 certain. It looks like you asked because this is  
10 dated November 2017.

11 Q And the email from Geronald Bell to OPB is  
12 January of 2018?

13 A Correct.

14 Q As CFO at GaDOE, was it customary for you  
15 to sign contracts that GaDOE entered into?

16 A Yes.

17 Q Did anyone sign contracts on behalf of  
18 GaDOE except for you during your time as CFO?

19 A Not that I'm aware of.

20 Q I'm going to talk about a few more  
21 contracts.

22 MS. GARDNER: I'd like to have the court  
23 reporter mark this as Plaintiff's Exhibit 912.

24 (WHEREUPON, Plaintiff's Exhibit-912 was  
25 marked for identification.)

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1 BY MS. GARDNER:

2 Q You've been handed Plaintiff's Exhibit  
3 912. This is an email from Miriam Caldwell to Linda  
4 Crawford and Nakeba Rahming. The subject is "Re:  
5 signed," and there's one attachment to this email  
6 that is a PDF with the file name "signed contract  
7 18697 Dev. Therapy Inst."

8 This document is Bates-stamped GA00053789.

9 Turning to the attached contract, which  
10 begins with the Bates-stamp GA00053791, do you  
11 recognize this as a contract that you signed on  
12 behalf of the Georgia Department of Education?

13 A Yes.

14 Q And correct that your signature appears on  
15 Page 6 of the contract?

16 A Yes. On Page 8.

17 Q Yes. So Page 8 is your signature for  
18 confidentiality agreement, and Page 6 is your  
19 signature for the actual contract?

20 A Yes.

21 Q And the contract was also executed by Mary  
22 Wood, who is identified as the president of the  
23 Developmental Therapy Institute?

24 A It appears to be so.

25 Q Turning back to the first page of the

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1 contract, correct that the contract says that it "is  
2 made and entered into by and between the State  
3 School Superintendent, on behalf of the Georgia  
4 Department of Education, hereinafter referred to as  
5 the 'Department,' and Developmental Therapy  
6 Institute"?

7 A Yes.

8 Q It then goes on to say -- and this is in  
9 the next section: "The Department has identified  
10 the need to conduct Data Analysis and Performance  
11 Summary for GNETS programs," correct?

12 A Correct.

13 Q The contract further down outlines the  
14 scope of services that the contractor, who in this  
15 case is the Developmental Therapy Institute, will  
16 provide? Is that right?

17 A Yes.

18 Q And in the Scope of Services, it says that  
19 "Contractor will conduct Data Analysis and  
20 Performance Summary for GNETS programs," correct?

21 A It does.

22 Q And at the very end of that section, it  
23 also says: "The year-end Data Analysis and  
24 Performance Summary will provide the GaDOE with data  
25 on DTORF-R" -- D-T-O-R-F-R -- "outcomes for all of

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1 the GNETS programs"?

2 A It does.

3 MS. GARDNER: I'd like to have the court  
4 reporter mark this document as Plaintiff's  
5 Exhibit 913.

6 (WHEREUPON, Plaintiff's Exhibit-913 was  
7 marked for identification.)

8 BY MS. GARDNER:

9 Q You've been handed Plaintiff's Exhibit  
10 913. This is an email from Linda Crawford to an  
11 email addressed identified as scherryA@cainc.com,  
12 dated October 17, 2016, with the subject "Executed  
13 contract."

14 The email contains one attachment, which  
15 is a PDF with the file name "signed contract 18379,  
16 Curriculum Associates."

17 The Bates-stamp of this document is  
18 GA00066194.

19 Turning to the attachment, which begins  
20 with the Bates-stamp GA00066195, is this a contract  
21 between the State School Superintendent, on behalf  
22 the Georgia Department of Education, and Curriculum  
23 Associates, LLC, that you signed on behalf of the  
24 Georgia Department of Education?

25 A Yes.



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1 Q And your signature on the contract appears  
2 on Page 6; is that correct?

3 A It does.

4 Q And as before, you also signed a  
5 confidentiality agreement, and that signature  
6 appears on Page 8?

7 A Yes.

8 Q In the Scope of Services section on this  
9 contract, what does it identify as the scope of  
10 services here?

11 A It appears to be the array of services  
12 provided by the vendor beginning September 2016  
13 through August 2017 related to common instructional,  
14 diagnostic, and progress monitoring programs.

15 Q And that's for all students enrolled for  
16 GNETS services?

17 A That's what it reads.

18 MS. GARDNER: I'd like to ask the court  
19 reporter to mark this document as Plaintiff's  
20 Exhibit 914.

21 (WHEREUPON, Plaintiff's Exhibit-914 was  
22 marked for identification.)

23 BY MS. GARDNER:

24 Q You've been handed Plaintiff's Exhibit  
25 914. This is an email from Linda Crawford to an

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1 email addressed identified as maggie, M-A-G-G-I-E,  
2 .kjer, K-J-E-R, at pearson.com.

3 The email is dated October 17, 2016,  
4 contains a copy to Nakeba Rahming.

5 The subject is "Executed contract," and  
6 there's one attachment which is a PDF with the file  
7 name "signed contract 18363 Pearson."

8 The Bates-stamp on this document is  
9 GA00066184.

10 Before we turn to the attachment, who is  
11 Linda Crawford?

12 A I don't know.

13 Q Okay. Turning to the attachment, which  
14 begins at Bates-stamp GA000661885, I'm correct that  
15 this is a contract that the Georgia State Department  
16 of Education entered into with NCS Pearson  
17 Incorporated in September 2016?

18 A It appears to be.

19 Q And you signed this contract on behalf of  
20 the Georgia Department of Education?

21 A I did.

22 Q This contract doesn't look like some of  
23 the other contracts we looked at previously. Is  
24 that because Pearson requires that all of its  
25 customers accept the terms of sale -- of sales and

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1 use that appear here.

2 A More than likely.

3 Q And so in this case your signature appears  
4 on Pearson's terms of sales and use, correct?

5 A Yes.

6 Q The terms of sales and use is formed by a  
7 quote/proforma invoice from Pearson, correct?

8 A Yes.

9 Q And that invoice identifies the Georgia  
10 Department of Education as the customer?

11 A It does.

12 Q It also notes that Nakeba Rahming is the  
13 contact at the Georgia Department of Education?

14 A Yes.

15 Q And the invoice itself identifies four  
16 products, correct?

17 A Yes.

18 Q All of those products relate to the BASC,  
19 B-A-S-C, 3?

20 A It appears so.

21 Q Do you know what the BASC-3 is?

22 A I don't.

23 Q There is then a purchase order that  
24 follows the proforma invoice, correct?

25 A Uh-hum. (Affirmative.)

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1 Q The purchase order is signed by Charles  
2 Queen?

3 A Yes.

4 Q Am I reading that correctly?

5 A Yes.

6 Q Who is Charles Queen?

7 A Charles worked in the procurement team as  
8 well and managed most of our purchase orders.

9 Q Is the purchase order the evidence that  
10 payment actually was rendered for a particular  
11 contract?

12 A No. It would have been what we call an  
13 encumbrance, so that we would rope off the funds to  
14 pay for it after the goods or services were  
15 received.

16 Q So the proforma invoice is Pearson telling  
17 the Department of Education how much money the  
18 contract is going to cost, and the purchase order is  
19 segregating those funds to make sure they're  
20 available to satisfy the debt at some point?

21 A That's correct.

22 MS. GARDNER: I'd like to have the court  
23 reporter mark this document as Plaintiff's  
24 Exhibit 915.

25 (WHEREUPON, Plaintiff's Exhibit-915 was

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1 marked for identification.)

2 BY MS. GARDNER:

3 Q You've been handed Plaintiff's Exhibit  
4 915. This is an email from Vickie Cleveland to  
5 Joseph McLeod, dated October 10, 2018, with a copy  
6 to Lesley Easley, Shanta Rishi Dube, and Jaquenetta  
7 Dugger.

8 There is one attachment to this email,  
9 which is a PDF with the file name "signed contract  
10 26827 GA State (003)."

11 The Bates-stamp on this document is  
12 GA00334996.

13 I'd like to turn your attachment -- turn  
14 your attention to the attachment, which has a  
15 beginning Bates number of GA00335000.

16 I'm correct that this is a contract  
17 between the State School Superintendent, on behalf  
18 of GaDOE, and the Board of Regents of the University  
19 System of Georgia on behalf of Georgia State  
20 University?

21 A Correct.

22 Q And you signed this contract on behalf of  
23 GaDOE on Page 5, correct?

24 A Yes.

25 Q And the contract is also signed by Ken

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1 Packman, who is an assistant vice president at  
2 Georgia State University, or the Board of Regents,  
3 one of those?

4 A It appears so.

5 Q Going back to the first page of the  
6 contract, correct that in the second paragraph the  
7 contract says: "The Department has identified the  
8 need to create training materials and deliver  
9 training on Trauma Informed Care (TIC) practices for  
10 GNETS staff"?

11 A Yes.

12 Q And Department here refers to the Georgia  
13 Department of Education, correct?

14 A Correct.

15 Q In the scope of services it says,  
16 "Contractor will provide GNETS staff with the  
17 training necessary for them to embrace a trauma  
18 informed care (TIC) model," correct?

19 A Correct.

20 Q And the contractor here is Georgia State  
21 University?

22 A Yes.

23 Q What are RESAs?

24 A Regional service agencies, I believe.  
25 From what I recall, organizations tasked with

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1 serving as a collaborating point for LEAs in a  
2 specific geographic region. So for any of the  
3 services or grants that were being allocated on a  
4 basis that used the RESA geography, they would  
5 service the administering body for them.

6 Q Does GaDOE provide funding to the RESAs?

7 A It does.

8 Q And what kind of funds does it provide to  
9 the RESAs?

10 A I don't specifically recall. I believe it  
11 was somewhat formula driven.

12 Q Does the annual state appropriations bill  
13 in the section devoted to the Georgia Department of  
14 Education contain a section pertaining to RESAs?

15 A Yes.

16 Q And does that line item specifically  
17 allocate funds to individual RESAs, or is it a lump  
18 sum to RESAs as a whole?

19 A What I recall, I think it's a lump sum.

20 Q Is GaDOE involved in determining how that  
21 lump sum is then individually allocated out to the  
22 various RESAs?

23 A Not that I recall.

24 Q Who sort of does the work of making those  
25 individual allocations once the line item for RESAs

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1 is finalized?

2 A If I remember correctly, it's spreadsheet  
3 driven, not dissimilar to some of the other grants  
4 that we've looked at, based on enrollment for the  
5 LEAs that are members of that RESA.

6 Q So then there would be some sort of a  
7 formula in the way that there's a formula for the  
8 GNETS program?

9 A I believe so.

10 Q Is that one of the formulas that GaDOE  
11 would regularly get from the -- I believe it was the  
12 Office of Planning and Budget that provides that?

13 A I think so, yes.

14 Q So it's your understanding that that  
15 formula for RESA allocations would come with the  
16 other Department of Education formulas?

17 A I believe so.

18 Q Does GaDOE audit RESAs in any way?

19 A I don't recall.

20 MS. GARDNER: I'm going to ask the court  
21 reporter to mark this as Plaintiff's Exhibit  
22 916.

23 (WHEREUPON, Plaintiff's Exhibit-916 was  
24 marked for identification.)  
25



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1 BY MS. GARDNER:

2 Q You've been handed Plaintiff's Exhibit  
3 916. This is an email from Larry Winter to Barbara  
4 Hampton, you, and Amy Rowell. The subject is  
5 "Forward: Agreed Upon Procedures Review," and  
6 there's one attachment to the email, which is a PDF  
7 with the file named "Agreed Upon Procedures Review."

8 The Bates-stamp of this document is  
9 GA00289120.

10 Do you recognize this email?

11 A Not specifically.

12 Q Do you have any reason to doubt you  
13 received this email?

14 A No.

15 Q And just to clarify, on this email Larry  
16 Winter and Barbara Hampton are both members, at  
17 least at this time, of the State Board of Education?

18 A Correct.

19 Q In this email Mr. Winter writes: "As all  
20 of you know agreed upon procedures are the lowest  
21 form of assurance an accountant can give. Even so  
22 this report underlines we need to have these done on  
23 RESAs every year."

24 Do you see that?

25 A I do.

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1 Q What are agreed upon procedures?

2 A These are audit steps that are established  
3 between either the State entity or an external firm  
4 and some other entity regarding the -- an  
5 attestation to the information probably in their  
6 annual financial report.

7 Q And what does it mean that they are the  
8 lowest form of assurance an accountant can give?

9 A It would mean that it's a lower level of  
10 scrutiny than could otherwise be applied in like a  
11 full audit. So they're more limited in scope, the  
12 procedures themselves.

13 Q Who determines whether a review of a  
14 RESA's application of agreed upon procedures is done  
15 in any given year?

16 A I believe it's -- well, I don't know. I  
17 think it's in code, but I'm not sure about that. My  
18 guess is that they are held to a similar requirement  
19 that an LEA is, that there has to be some sort of an  
20 attestation on a regular basis, but I don't know  
21 that for certain.

22 Q In this email Mr. Winter is saying that,  
23 quote: "We need to have these done on RESAs every  
24 year," correct?

25 A That's what it reads.

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1 Q Was it your understanding that these  
2 reports were not done on RESAs every year?

3 A Apparently not.

4 Q Was there any change with respect to the  
5 frequency of agreed upon procedure review for RESAs  
6 after Mr. Winter's email?

7 A I don't know.

8 Q In writing this email, Mr. Winter also  
9 forwards an email that he received from the  
10 executive director of the North Georgia RESA,  
11 correct?

12 A Yes.

13 Q And that forwarded email contained a copy  
14 of the independent accountant's report in applying  
15 agreed-upon procedures for the fiscal year ended  
16 June 30th, 2017 for the North Georgia RESA?

17 A Yes.

18 Q And that report appears as the attachment  
19 to this email, which is Bates-stamped GA00289123,  
20 correct?

21 A Yes.

22 Q In Mr. Winter's email at the very end he  
23 says: "Ted can you ask Greg to forward to us the  
24 AUP's on all the Resas for 17 so we can determine if  
25 this is an outlier or worse."

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1 Do you see that?

2 A I do.

3 Q Who is Greg?

4 A Greg Griffin is the State auditor.

5 Q And is Mr. Griffin with GaDOE or with the  
6 State Department of Audits and Accounts?

7 A State Department of Audits and Accounts.

8 Q Did you follow up on Mr. Winter's request?

9 A I don't remember.

10 Q Do you know whether the report on the  
11 agreed-upon procedures for North Georgia RESA was an  
12 outlier?

13 A I don't recall.

14 Q What is the Georgia Learning Resources  
15 System?

16 A Georgia Learning Resource -- GLRS --

17 Q I'm sorry. It's disconnected from this  
18 document. I'm just asking you generally.

19 A I don't know.

20 Q Do you know how GRLS is funded?

21 A I don't.

22 Q Do you know what the relationship is  
23 between RESAs and GRLS?

24 A I do not.

25 MS. GARDNER: I'd like to ask the court

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1 reporter to mark this document as Plaintiff's  
2 Exhibits 917.

3 (WHEREUPON, Plaintiff's Exhibit-917 was  
4 marked for identification.)

5 BY MS. GARDNER:

6 Q You've been handed Plaintiff's Exhibit  
7 917. This is an email from Nakeba Rahming to quite  
8 a number of recipients. You're included on the cc:  
9 line in this email, which was sent on April 2nd,  
10 2018.

11 The subject is "Vendor on Behalf of GLRS  
12 MOA and Supporting Documents," and there are several  
13 attachments to this email.

14 The Bates-stamp on this email is  
15 GA00287432.

16 Do you recognize the document?

17 A I don't.

18 Q Do you have any reason to doubt that you  
19 received this email from Ms. Rahming?

20 A I do not.

21 Q Looking at this email, can you tell  
22 whether there is a particular group or distribution  
23 list that was used for the recipients of this email?

24 A It appears these would be RESA directors.

25 Q In Ms. Rahming's email she writes: "We

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1 have worked diligently to create resources that we  
2 feel may be beneficial to support you in your  
3 transition to becoming contractors on behalf of  
4 GLRS"

5 Do you see that?

6 A I do.

7 Q At this time was it your understanding  
8 that RESAs were transitioning to becoming  
9 contractors on behalf of GLRS?

10 A I don't remember.

11 Q Turning to the first attachment, which is  
12 Bates-stamped GA00287434, do you see that?

13 A I do.

14 Q Is this a draft Memorandum of Agreement  
15 between the State Superintendent, on behalf the  
16 Georgia Department of Education, and a contractor on  
17 behalf of the Georgia Learning Resources System?

18 A It appears to be.

19 Q Is the idea that the contractor would at  
20 some point be identified by name once the MOA was no  
21 longer in draft form?

22 A That's my assumption.

23 Q Did you sign contracts like this entered  
24 into with specific RESAs?

25 A More than likely, yes.

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1 Q In Ms. Rahming's email she also writes,  
2 and this is in the middle of her email: "We have  
3 also attached a detail Scope of Work that outlines  
4 state and regional priorities."

5 Do you see that?

6 A I do.

7 Q And if you turn to that attachment, and  
8 that one is Bates-stamped GA00287469. It's almost  
9 at the end of the entire document.

10 A Okay.

11 Q This is the scope of work that Ms. Rahming  
12 is referencing in her email?

13 A Yes.

14 MS. GARDNER: I'd like to have the court  
15 reporter mark this document as Plaintiff's  
16 Exhibit 918.

17 (WHEREUPON, Plaintiff's Exhibit-918 was  
18 marked for identification.)

19 BY MS. GARDNER:

20 Q You've been handed Plaintiff's Exhibit  
21 918. This is an email from Zelfhine Smith-Dixon to  
22 Jaquenetta Dugger, with a copy to Amber McCollum,  
23 you, and Allan Meyer.

24 The subject is "FY19 GLRS Contract," and  
25 there are several attachments.

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1 This document is Bates-stamped GA00288292.

2 Do you recognize this email?

3 A I don't.

4 Q Do you have any reason to doubt that you  
5 received this email from Ms. Smith-Dixon?

6 A No.

7 Q In this email Ms. Smith-Dixon says: "Good  
8 evening, Jackie, Here are the documents to upload  
9 before Superintendent's Dry Run."

10 Do you see that?

11 A I do.

12 Q What is the superintendent's dry run?

13 A This would have been a practice session of  
14 presenting Board items that would have included  
15 department staff and the superintendent, in  
16 preparation for the Board meeting.

17 Q And am I correct that the first attachment  
18 to this email is a Board item for approval to enter  
19 into a new contract?

20 A Yes.

21 Q And that Board item has a beginning  
22 Bates-stamp of GA00288293?

23 A Yes.

24 Q This New Contract item for State Board of  
25 Education approval relates to the State Board of



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1 Education authorizing the State School

2 Superintendent to enter into a contract with the

3 GLRS vendors; is that correct?

4 A It appears to be.

5 Q Under the Performance section, this Board  
6 item, like many of the others, has a directive that  
7 says, "Describe how the contract will be monitored  
8 to ensure goods and services are provided in  
9 satisfactory manner." Correct?

10 A Yes.

11 Q And here it says: "The GLRS will submit  
12 quarterly data reports that will align with the  
13 invoiced deliverables as outlined in the mutually  
14 agreed upon scope of work. The Georgia Department  
15 of Education will provide direct oversight to  
16 support effective implementation of practices for  
17 each GLRS." Correct?

18 A Correct.

19 Q Turning to the second page of this Board  
20 item, this identifies this particular board item as  
21 an intergovernmental contract.

22 Do you see that?

23 A I do.

24 Q What is an intergovernmental contract?

25 A It would be a contractual arrangement

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1 between the Department and another government  
2 entity.

3 Q In what way was this an intergovernmental  
4 contract?

5 A It appears to be funding allocated to --  
6 my guess is either to LEAs or to some other state or  
7 legal entity.

8 Q Are RESAs governmental entities?

9 A That's my understanding.

10 Q And what is that understanding based on?

11 A Nominal experience in the room.

12 Q Are there -- is there any portion of the  
13 State code that informs your understanding that  
14 RESAs are governmental entities?

15 A Not that I can recall.

16 Q Okay. But it's your understanding that  
17 they are governmental entities?

18 A Yes. In the sense they were considered  
19 LEAs.

20 Q That RESAs were considered LEAs?

21 A That was my understanding.

22 Q And there's -- but you don't have like a  
23 sort of source for where the understanding --

24 A No --

25 Q -- that understanding comes from?

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1           A       I don't have any statutory code or  
2       support.

3                   MS. GARDNER: I'd like to have the court  
4       reporter mark this document as Plaintiff's  
5       Exhibit 919.

6                   (WHEREUPON, Plaintiff's Exhibit-919 was  
7       marked for identification.)

8       BY MS. GARDNER:

9           Q       You've been handed Plaintiff's Exhibit  
10      919. This is an email from Leigh Ann Cross to  
11      Zelphine Smith-Dixon, dated September 4, 2018, with  
12      the subject "Forward: Signed," and it has a large  
13      number of attachments.

14                   The document is Bates-stamped GA02273585.

15                   I'd like you to take a look at the  
16      attached documents.

17                   Can you confirm these are fully executed  
18      versions of MOUs between GaDOE and contracts for  
19      GLRS?

20           A       Look at all of them?

21           Q       Well, if you want to, or you can do a  
22      spot-check.

23           A       They appear to be, yes.

24           Q       So, for example, the first attachment is a  
25      fully executed MOU between GaDOE and Metro RESA on

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1     behalf of the Georgia Learning Resources System. Is  
2     that correct?

3           A     Yes.

4           Q     And you signed that contract on behalf of  
5     GaDOE?

6           A     That's correct.

7           Q     In most cases these executed contracts are  
8     RESAs on behalf of GLRS; is that correct?

9           A     That appears to be the case.

10          Q     And I believe, as you said before, that  
11     it's your understanding that as CFO, you were the  
12     person who signed contracts on behalf of GaDOE and  
13     no one else?

14          A     That's correct.

15               MS. GARDNER: Can we take a five- or  
16     ten-minute break.

17               MR. PICO PRATS: Sure.

18               THE VIDEOGRAPHER: The time is 3:13 p.m.  
19     We're off the record.

20               (A recess was taken.)

21               THE VIDEOGRAPHER: The time is 3:20 p.m.  
22     and we are back on the record.

23               MS. GARDNER: I'm happy to report that is  
24     all the questions I have for you today. So  
25     you're free to go.

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1 MR. PICO PRATS: No questions from me  
2 either.

3 THE VIDEOGRAPHER: This concludes the  
4 video deposition of James Theodore Beck.

5 We are off the record at 3:21 p.m.

6 (Whereupon, the deposition concluded at  
7 3:21 p.m.)  
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C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of JAMES THEODORE BECK was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 205 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 6th day of February, 2023.

*Wanda L. Robinson*

Wanda L. Robinson, CRR, CCR No. B-1973  
My Commission Expires 10/11/2023

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D I S C L O S U R E

STATE OF GEORGIA ) VIDEOTAPE DEPOSITION OF  
FULTON COUNTY JAMES THEODORE BECK - 1/27/23  
Pursuant to Article 10.B of the Rules and  
Regulations of the Board of Court Reporting  
of the Judicial Council of Georgia, I make the  
following disclosure:

I am a Georgia certified court reporter.  
I am here as a representative of Esquire Deposition  
Solutions, LLC, and Esquire Deposition Solutions,  
LLC was contacted by the offices of U.S. Attorney's  
Office to provide court reporter services for this  
deposition. Esquire Deposition Solutions, LLC will  
not be taking this deposition under any contract  
that is prohibited by O.C.G.A. 9-11-28 (c).

Esquire Deposition Solutions, LLC has no  
contract/agreement to provide court reporter  
services with any party to the case, or any counsel  
in the case, or any reporter or reporting agency  
from whom a referral might have been made to cover  
this deposition.

Esquire Deposition Solutions, LLC will  
charge the usual and customary rates to all parties  
in the case, and a financial discount will not be  
given to any party to this litigation.

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## ERRATA SHEET FOR THE TRANSCRIPT OF:

Deponent Name: JAMES THEODORE BECK

Case Caption: United States of America vs. State  
of Georgia

Case No. : 1:16-cv-03088-ELR

I do hereby certify that I have read all questions propounded to me and all answers given by me on the 27th day of January, 2023, taken before Wanda L. Robinson, and that:

\_\_\_\_\_1) There are no changes noted.

\_\_\_\_\_2) The following changes are noted:

Pursuant to state rules of Civil Procedure and/or the Official Code of Georgia Annotated 9-11-30(e), both of which read in part: Any changes in form or substance which you desire to make shall be entered upon the deposition with a statement of the reason given for making them.

Accordingly, to assist you in effecting corrections, please use the form below:

## CORRECTIONS:

\_\_\_\_\_

Page	Line	Change	Reason For Change
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____



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CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me. Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

\_\_\_\_\_  
Signature of Deponent

I hereby certify that the individual representing himself/herself to be the above-named individual, appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023, and executed the above certificate in my presence.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: